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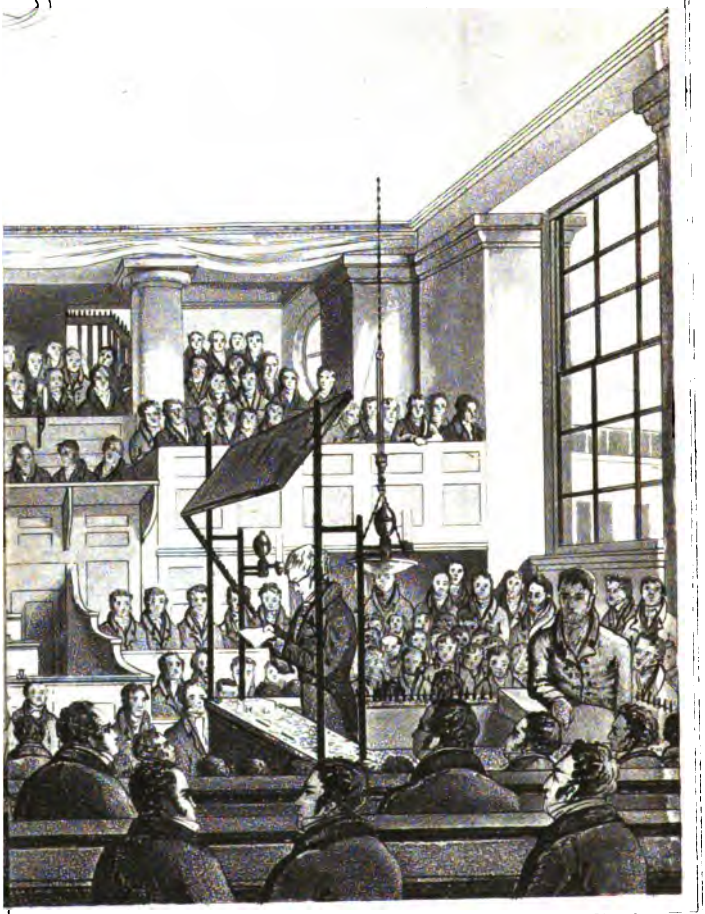

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AND

Remarkable Cases

OF

CRIMINAL JURISPRUDENCE,

FROM

THE EARLIEST RECORDS

TO

THE YEAR 1825.

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REMARKABLE TRIALS,

AND

CELEBRATED CRIMINALS.

GENERAL THOMAS PICTON,

Formerly Governor of the Island of Trinidad,

FOR MALICIOUSLY INFLICTING THE TORTURE ON

LOUISA CALDERON, 1806.

MR. GARROW rose to address the jury, and said, that the duty had devolved to him to lay before them a statement of the singular and horrid transaction which was the subject of this prosecution; and although he should acquit himself zealously of the obligation imposed upon him, to bring to light, and condign punishment, an offence so flagrant as that charged upon the defendant, yet much more happy would he be, to find that there was no ground upon which the charge could be supported, and that the British character was not stained by the adoption of so cruel a measure as that which was alleged in this prosecution.

The Island of Trinidad surrendered to that illustrious character, Sir Ralph Abercrombie, in the year 1797; and he entered into a stipulation, by which he conceded to the inhabitants the continuance of their laws, and appointed a new governor, until His Majesty's pleasure should be known, or, in other words, until the King of England, in his paternal character, should extend to this new acquisition to his empire all the sacred privileges of the laws of England. I have the authority of the defendant himself for stating, that the system of jurisprudence adopted under the Spanish Monarch for his colonial establishments, were benignant, and adapted to the protection of the subject, previous to the surrender of this island to the British arms.

In December, 1801, when this crime was perpetrated, Louisa Calderon was of the tender age of ten or eleven years. At that early period, she had been induced to live with a person of the name of Pedro Ruiz, as his mistress; and although it appears to us very singular, that she should sustain such a situation at that time of life, yet it was a fact, that, in this climate, women often became mothers at twelve years old, and were in a state of concubinage, if, from their condition, they could not form a more honourable connexion. While she lived with Ruiz, she was engaged in an intrigue with Carlos Gonzalez, the pretended friend of the former, who robbed him of a quantity of dollars. Gonzalez was apprehended, and she also, as some suspicions fell upon her in consequence of the affair. She was taken before the justice, as we, in our language, should denominate him, and in his presence she denied having any concern in the business. The magistrate felt that his powers were at an end; and whether the object of her denial were to protect herself, or her friend, is not material to the question before you. The extent of his authority being thus limited, this officer of justice resorted to General Picton; and I have to produce, in the handwriting of the defendant, this bloody sentence:—*Inflict the torture upon Louisa Calderon.* You will believe there was no delay in proceeding to its execution. The girl was informed in the gaol, that if she did not confess, she would be subjected to the torture; that under this process she might probably lose her limbs or her life, but the calamity would be on her own head, for if she would confess, she would not be required to endure it. While her mind was in the state of agitation this notice produced, her fears were aggravated by the introduction of two or three negresses into her prison, who were to suffer under the same experiment for witchcraft, and as a means of extorting confession. In this situation of alarm and horror, the young woman persisted in her innocence; the punishment was inflicted, improperly called picketing, which is a military punishment, perfectly distinct. This is not picketing, but the torture. It is true, that the soldier, exposed to this, does stand with his foot

on a picket, or sharp piece of wood; but, in mercy to him, a means of reposing is afforded, on the *rotundus major*, or interior of the arm. This practice, I hope, will not in future be called *picketing*, but *pictoning*, that it may be recognized by the dreadful appellation which belongs to it. Her position may be easily described. The great toe was lodged upon a sharp piece of wood, while the opposite wrist was suspended in a pully, and the other hand and foot were lashed together. Another time the horrid ceremony was repeated, with this difference, that her feet were changed.

The trial by rack is utterly unknown to the law of England, though once, when the Dukes of Exeter and Suffolk, and other ministers of Henry VI. had laid a design to introduce the civil law into this kingdom, as the rule of government, for a beginning thereof they erected a rack for torture, which was called in derision the Duke of Exeter's daughter, and still remains in the Tower of London, where it was occasionally used as an engine of state, not of law, more than once in the reign of Queen Elizabeth. But when, upon the assassination of Villiers, Duke of Buckingham, by Felton, it was proposed in the Privy Council to put the assassin to the rack, in order to discover his accomplices; the judges, being consulted, declared unanimously, to their own honour, and the honour of the English law, that no such proceeding was allowable by the laws of England.

Such are the observations of the elegant and learned author of the Commentaries of the Law of England on this subject; and as the strongest method of shewing the horror of the practice, he gives this question in the form of an arithmetical problem.

The strength of the muscles, and the sensibility of the nerves, being given, it is required to know what degree of pain would be necessary to make any particular individual confess his guilt.

But what are we to say to this man, who, so far from having found torture in practice under the former governors, has attached to himself all the infamy of having invented this instrument of cruelty? Like

the Duke of Exeter's daughter, it never had existence until the defendant cursed the island with its production.

I have incontestable evidence to shew this ingenuity of tyranny in a British Governor; and the moment I produce the sanguinary order, the man is left absolutely without defence. The date of the transaction is removed at some distance. It was directed that a commission should conduct the affairs of the government, and among the persons appointed to this important situation was Colonel Fullarton. In the exercise of his duties in that situation, he attained the knowledge of these facts; and with this information, he thought it incumbent on him to bring this defendant before you; and with the defendant, I shall produce the victim of this enormity, whom from the accident of my being conducted into a room by mistake, I have myself seen. She will be presented before you, and you will learn she at this moment bears upon her the marks of the barbarity of the defendant.

Louisa Calderon was then called. She deposed that she resided in the Island of Trinidad, in the year 1798, and lived in the house of Don Pedro Lewis, and remembered the robbery. She and her mother were taken up on suspicion, and brought before Governor Picton, who committed them to prison, under an escort of three soldiers: she was put in close confinement; and before she was taken there, the governor said, "If she did not confess who had stolen the money, the hangman would have to deal with her." She knew Begora, the magistrate, or Lord-mayor. He came to the prison, and examined her on the subject of the robbery many times, and on different days. De Castro, the clerk of the magistrate, also attended, and took down her depositions. She was then carried to the room, where the torture was prepared. Here her left hand was tied up to the ceiling, by a rope, with a pully; her right-hand was tied behind, so that her right foot and hand came in contact, while the extremity of her left-foot rested on the wooden spike.

A drawing, representing the exact situation, with the negro holding the rope by which she was suspended, was then shewn to her; when she gave a shudder, expressive of horror, which nothing but the most painful recollection of her situation could have excited; on which Mr. Garrow expressed his concern, that his lordship was not in a position to witness this accidental, but conclusive evidence of the fact. Lord Ellenborough objected to the exhibition of this drawing to the jury, until Mr.

Dallas, on the part of his client, permitted it to be shewn to them.

She remained upon the spike three-quarters of an hour, and the next day twenty-two minutes. She swooned away each time before she was taken down, and was then put into irons called the *grillos;* which were long pieces of iron, with two rings for the feet, fastened to the wall; and in this situation she remained for eight months. A drawing of this instrument was also produced, which the witness said was an exact representation. The effect from this picqueting was excruciating pain: her wrists and ancles were much swollen; and the former bore the marks to the present day. In reply to a question by Lord Ellenborough, she said her feet were without shoes and stockings. The gaoler, Ballot, the magistrate, Francisco de Castro, and Raphael, an Alguazil, with the executioner, were present at these picquetings.

Don Rafael Shando also, assisted by the interpreter, said, that he was an Alguazil, in the Island of Trinidad, in the year 1801; that he returned from the interior of the country on the 22d of December, and saw Louisa Calderon in gaol; that they were then giving her a glass of water, after bringing her down from the torture. She was supporting herself on a table; it was about seven o'clock in the evening. Beggerrat desired witness to bring Carlos up, and told her, that she must repeat to Carlos what she had said to him. After this interview, at which nothing transpired, she was instantly put in the *grillos*, and in the same room in which she had suffered the torture. The apartment was like a garret, with sloping sides, and the *grillos* were so placed, that, by the lowness of the room, she could by no means raise herself up during the eight months of her confinement. On the 23d of December she was again put to the torture, between eleven and twelve in the morning, and she remained in that situation twenty-two minutes by the watch. She fainted twice in his arms. Beggerrat sent vinegar to the executioner, to administer to her in this situation. There was no advocate appointed to attend on her behalf, and no surgeon to assist her. No one but a negro, belonging to Bullo the gaoler, to pull the rope. As soon as she was taken down, she was put into the *grillos*. The witness had seen her sister bring her victuals, but never noticed the admission of her sister or her friend into the gaol. The witness had been four or five years in the post of Alguazil. He never knew the torture inflicted in the island until the arrival of the defendant. There had been before no instrument for the purpose. The first he saw was in the barracks among the soldiers. Before Louisa Calderon, the instrument had been introduced into the gaol perhaps about six months. The first person he saw tortured in Trinidad was by direction of the defendant, who said to the gaoler, "Go and fetch the black man to the picquet-guard, and put him to the torture." After the eight months' confinement, both Carlos and Louisa were discharged.

Mr. Dallas, for the defendant, rested his evidence upon the following statements:—

1st, By the law of Spain, in the present instance, torture was directed; and being bound to administer that law, he was vindicated in its application.

2dly, The order for the torture, if not unlawfully, was not maliciously issued.

3dly, If it were unlawful, yet if the order were erroneously or mistakenly issued, it is a complete answer to a criminal charge.

The learned counsel entered at considerable length into these positions, during which, he compared the law of Spain, as it prevailed in Trinidad, with the law of England, as it subsisted in some of our own islands; and he contended, that the conduct of General Picton was gentleness and humanity, compared to what might be practised with impunity under the authority of the British Government.

After a long interlocutory discussion, several items of the examination taken on the island, for the purpose of this cause, were read by the clerk of the Court. The next testimony adduced was that of Mr. Glocester, the Attorney-General of His Majesty in the island, who deposed to the authenticity of several books on the laws of the island, among which were the Elisondo, the Curia Philippica, the Bobadilla, the Colom, and the Recopilacion de Leyes.

Lord Ellenborough appeared to be about to close the case here, with the observation, that the special verdict which had been consented to, was granted on the supposition that a greater contrariety of evidence on the subject of the law of the colony would have been elicited than now really appeared; but it was thought it would, perhaps, be better, before the jury were called on for a general verdict, that the counsel should, if they thought proper, address to them what observations they might have to make.

Mr. Garrow said, that he looked at this case as he regarded the honour of our country, and the *redress of a stranger*, who had visited our land to procure it. If the defendant had had *an English heart in his bosom*, he would have wanted no restrictive provisions to have guarded from the *commission of sanguinary acts*. He feared that it remained to the digrace of the British name, that General Picton was the *first* man

to stretch authority, and order torture to be established in the Island of Trinidad. After a few other animated observations, Mr. Garrow said he left the case to the decision of the jury, confidently anticipating their verdict.

Lord Ellenborough recommended to the jury, to divest their minds of every feeling which they might have contracted in the course of the present trial, and to throw every part of the case out of their consideration, except that which related to this simple point.—What was the law by which the Island of Trinidad was governed at the period of its capture by the British? It was for the consideration of the jury, if the law then subsisting authorised personal torture as to witnesses. By the indulgence of the government of this country, the subsisting law was to continue; the question was, What was that subsisting law? The jury would attend, that it did not necessarily follow, because Trinidad was a colony of Old Spain, that it must therefore, in every part, have the laws of Old Spain. It did not originally form any part of that country, but had been annexed to it; and on what terms, there was no positive evidence. It did not appear that either the schedule peculiar to this island, or the recapitulation, embraced the criminal law, or made any mention of torture. So, if torture did subsist in this island, it must be on the authority of the Law Books read to the jury, which it was for them to say, whether they were sufficient to satisfy them of that fact. It was ascertained by a person thirty-two years of age, and who had been almost all his life-time in the island; by another person who had been an Alcaid; by Mr. Nugent, who had resided in the island since the year 1786; and by a person who had studied the law of New Spain, and had known the Spanish West-Indies from his infancy, that torture had not, to their knowledge or within their recollection, ever been practised in the island. It was therefore for the jury to say, in absence of all positive proof on the subject, and in the face of so much negative evidence, if the law of Spain was so fully and completely established in Trinidad as to make torture a part of the law of that island. Without going through the authorities, he

thought the jury might take it to be the existing law of Old Spain that torture might be inflicted. It was too much to say that a discontinuance of a practice could repeal a law; but still it was for them to say, if they were convinced, that torture had ever been part of the law of Trinidad. Our law books might be recognized in Jamaica, but yet it did not follow that every thing in them must extend to our colonies. It was therefore for them on the whole to say, if they were convinced that torture was part of the law of Trinidad at the time of its capture. If so, they would enter a special verdict; if otherwise, they would find the defendant guilty.

The jury found—There was no such law existing in the Island of Trinidad, as that of torture, at the time of the surrender of that island to the British.

Lord Ellenborough.—"Then, Gentlemen, General Picton cannot derive any protection from a supposed law, after you have found that no such law obtained in that island at the surrender of it, and when he became its governor: and therefore your verdict should be, that he is guilty."

By the direction of Lord Ellenborough, they therefore found the defendant—*Guilty*.

Mr. Dallas moved, on the 25th of April, for a new trial. He stated, that the defendant was a person of respectability and character in His Majesty's service, as Governor of the Island of Trinidad. He solicited for a new trial upon the following grounds:—

1. The infamous character of the girl, who lived in open prostitution with Pedro Ruiz, and who had been privy to a robbery committed upon her paramour by Carlos Gonzalez; and when a complaint found against her had been brought before a magistrate, she, refusing to confess, had been ordered to be tortured.

2. That Governor Picton, who condemned her to this torture, did not proceed from any motives of malice, but from a conviction that the right of torture was sanctioned by the laws of Trinidad; and that he was rooted in this opinion by a reference to the legal written authorities in that island.

3. That whatever his conduct might be, it was certainly neither personal malice, nor disposition to tyranny, but resulted, if it should prove to be wrong, from a misapprehension of the laws of Trinidad.

4. That one of the principal witnesses in this trial, M. Vargass, had brought forward a book, entitled *Recopilacion des Leys des Indes*, expressly compiled for the Spanish colonies, which did

not authorize torture. The defendant had no opportunity of ever seeing that book; but it had been purchased by the British Institution at the sale of the Marquis of Lansdowne's library, subsequent to his trial; and having consulted it, it appeared that where that code was silent upon some criminal cases, recourse was always to be had to the laws of Old Spain, and these laws, of course, sanctioned the infliction of torture.

The Court, after some consideration, granted the rule to shew cause for a new trial, and the proceedings were baffled.

JOHN DOEKE ROUVELETT,

FOR FORGERY, 1806.

JOHN DOEKE, alias ROMNEY ROUVELETT was a notorious swindler, well known in Bath, where he passed for a West-Indian of considerable fortune and family. He was about forty years of age, had the appearance of a Creole, and lived with a woman named Elizabeth Barnet, who passed for his wife. Having been arrested for debt, he was occasionally visited by this woman in the Fleet-prison, and was afterwards removed by habeas corpus, into Somersetshire, on a charge of forgery. Conscious that Elizabeth Barnet was the only witness against him, by whose evidence he could be convicted of the forgery, as well as perjury (another case also pending, Rouvelett having falsely sworn a debt against Mr. Dorant, of the York-hotel, Albemarle-street,) he had her taken up for a supposed robbery, and charged her with stealing his purse in the Fleet prison, containing forty guineas, half a guinea, and a valuable diamond. This case of singular atrocity came on at the Old Bailey, July 5, 1806.

Rouvelett was brought up from Ilchester gaol, ironed, to prosecute on his indictment. An application was made to put off the trial, on the affidavit of the prosecutor, which stated, that some material witnesses at Liverpool, had not had sufficient notice to attend. The object of this attempt was to prevent the prisoner from appearing against him on his trial for forgery, as also to prevent her becoming a witness against him in the case of perjury, already mentioned. The recorder detected the whole transaction, which he de-

scribed as the most foul and audacious that ever was attempted. He then ordered the trial to proceed.

Rouvelett, (who presumptuously called himself a gentleman,) stated that the prisoner was with him on the 11th of June, 1805, when he drew half a guinea from his purse, and gave it to a messenger; after which he put the purse, containing the property as stated in the indictment, into the pocket of a surtout coat, which was hanging up in the room, in which was the ring, worth 30l. There were no other persons in the room but the prisoner and himself; and in twenty minutes after she was gone, he missed his property from the great coat pocket. He concluded that the money was safe, as the prisoner was gone to Durant's Hotel, Albemarle Street, and he did not suppose her capable of robbing him. She, however, absconded, and he never saw her again until she was arrested at his suit, jointly with Durant, in an action of trover for 20,000l. for deeds, mortgages, and bonds, bearing interest, for which bail was given. He had no opportunity of bringing her to justice for the alleged robbery, he being himself a prisoner.

On the cross-examination of the prosecutor, he said he was born at St. Martin's in the West Indies, and had been at most of the islands in that quarter; his uncle was a planter in the West Indies, and he lived on such means, whilst in England, as his family afforded him: he was brought up in Amsterdam, at the house of Mr. Hope, banker; after which he became a lieutenant in the British army. He knew Mr. Hope of Harley-street, Cavendish-square, and Mr. Hope knew him to be Mr. Rouvelett, of St. Martin's, for the two families had been closely connected for 100 years. He lived in England on remittances from his uncle, in goods or bills, but he had no property of his own. Messrs Stevens and Boulton used to pay witness his remittances at Liverpool, but he could not tell who paid them in London.

The recorder observed, that the witness should not be pressed too far in giving an account of himself, as he stood charged with forgery. On being asked if he, the prosecutor, had not said he would be revenged on the prisoner, as he was intimate with Durant, and charged her with felony, he answered that he did not recollect having said so; but the question being pressed, he partly acknowledged it. The purse, which was empty, witness acknowledged was found under his pillow, on the 12th of June, the day after the alleged robbery, by his chum, a man of the name of Cummings. The prisoner was with him in prison after the 12th of June, although he had said she had absconded. The recorder did not suffer the case to be farther proceeded in, and directed the jury to acquit the prisoner; observing that this was the most foul charge he had ever heard of. The disgust of the persons in court was manifested by hisses and groans, as Rouvelett retired, in such a manner as baffled the efforts of the officers of Justice for some time to suppress.

The trial of this malicious offender, who was thus happily disappointed in his views, came on at Wells,

August 12, 1806, before Baron Thompson, and excited considerable interest throughout the county of Somerset. He was indicted for having feloniously and knowingly forged a certain bill of exchange, dated Grenada, 10th of November, 1804, for 420l. sterling, payable at nine months' sight, to the order of George Danley, esq. and drawn by Willis and Co. on Messrs. Child and Co. in London, with the forged acceptance of Messrs. Child and Co. on the face thereof, with the intent to defraud Mary Simeon.

Mr. Philip George, the younger clerk to the mayor of Bath, stated, that the bill in question was delivered to him by the mayor of Bath, and that he had ever since kept the bill in his own custody.

Mrs. Mary Simeon, dealer in laces, at Bath, was next called, and was proceeding to give her evidence, when Mr. Jekyl, counsel for the prisoner, submitted a legal objection to the court. He observed a difference between the bill itself, and the bill as set forth in the indictment. The words to which he alluded, were, "Willis and C." in the bill, whereas in the indictment they were set forth "Willis and Co." After some discussion, Baron Thompson and the jury agreeing, that there appeared no essential difference, as the letter *o* could be distinguished, the objection was over-ruled.

Mrs. Simeon having been then permitted to proceed, stated, that in April, 1805, she lived at Bath, the prisoner at the bar came to her house, on or about the 16th of the preceding March, having looked at several articles in which she dealt, he bought a fan, paid for it, and said he should bring his wife with him in the afternoon. He accordingly did so, and brought Elizabeth Barnet as his wife, Mrs. Romney; he asked whether Mrs. Simeon had a Brussels veil of 150 guineas value The witness answered she had not; he then bought two yards of lace, at four guineas a yard, and went away. This happened on a Saturday. The Monday following, he came again, accompanied by his wife, looked at a lace cloak, at veils worth five and twenty guineas, and other goods, but did not buy any. In the course of the week he called again, and proposed to the witness to purchase a quantity of goods, if she would take a bill of a long date, accepted by Messrs. Child and Co. bankers, in London. Witness answered, she had no objection to take a bill accepted by such a house. He returned in two or three days, and purchased articles to the value of about 140l. which, with other goods afterwards bought, and with money advanced by her, made the prisoner her debtor to the amount of 299l. He bought all the articles himself, unaccompanied by his wife. In the month of April, between the 20th and the 24th, the prisoner proposed paying for the different articles, and he brought his wife to the house; when a meeting took place between them and the witness, and her brother, Mr. Du Hamel. He said, 'I am going to London, and I should like to settle with you: this is the bill I proposed to you to take;

it is accepted by Child and Co. bankers, in London ;' and, turning over the bill, he added, ' the indorser is as good as the acceptors. The bill was here produced, and proved by Mrs. Simeon, to be the same which the prisoner gave her in 1805. The witness then took the bill, and her brother, Mr. Du Hamel, paid to him for her, 35l. which, with the articles previously bought, made the whole of the prisoner's debt to her 299l. He wrote before her on the bill, the name of John Romney, as his name. He afterwards went to London by the mail. She sent the bill next day to London. The conversation which passed between her and the prisoner, in the presence of her brother and Elizabeth Barnet, was entirely in the French language. He left his wife at her house, where she slept.

While he was absent, the witness received intelligence from London that the bill was a forgery, and she instantly wrote a letter to the prisoner informing him of it. He came to Bath in consequence of the letter, late one Sunday night, and a meeting took place then at her house between him, and his wife, herself, and her brother, and her solicitor, Mr. Luke Evill, of Bath.

The conversation then passed in English. Several questions were put to the prisoner by herself and by Mr. Evill. Mr. Evill asked him whether he had any business with W. A. Bailey, the indorser, which induced him to take the bill. He said Mr. Bailey had sold some sugar for him. She asked him if Bailey lived in London ; he replied, at some inn or coffee house, the name of which she did not recollect. He was then asked in what island or islands Mr. Bailey's property was situated ; he mentioned two or three islands in the West Indies, but he did not know in which of them Mr. Bailey was at that time. The prisoner then enquired where the bill was : and being informed by the witness that it was in London, he said she must write to get it sent back. She, however, declared that such an application would be unavailing, and the prisoner pressed her to go to London herself? She refused to go alone, and he intreated Mr. Evill to accompany her, saying, that he would give Mr. Evill 20l. to defray the expenses of the journey, which he accordingly did. She set out at ten o'clock that night, accompanied by Mr. Evill, and obtained the bill from Messrs. Sloper and Allen, in whose custody it was, by paying three hundred guineas, which was all the money she then had at her bankers. She brought the bill back to Bath, having stopped but one day in London ; but the prisoner was not at Bath when she returned. He had left some property at her house with his wife, who had removed from Sidney-house with his clothes, &c. The bill remained after this in her custody about a twelvemonth, and was given up to Mr. Evill by her brother. Mr. Dorant paid the whole of the debt due by the prisoner, on the 6th of May, 1805 ; a few days after the prisoner finally left Bath.

Upon the cross-examination of Mrs. Simeon, it appeared that she considered the prisoner and Elizabeth Barnet as man and wife. It was not until May, 1806, that she appeared before the mayor of Bath, against the prisoner, whom she knew to have been in the Fleet prison.

Mr. Whelan deposed, that he was a clerk in the house of

Messrs. Child and Co. The house had no correspondence whatever at Grenada by the name of Willis and Co. and the acceptance which appeared on the face of the bill, was not the acceptance of Messrs. Child and Co.

Mr. Luke Evill, solicitor for the prosecution, stated, that he had sent the bill from Bath to his agent in London, for the purpose of its being delivered to Mr. Dorant.

Elizabeth Barnet, the next witness, said, that she became acquainted with the prisoner in the month of September, 1804, when at Liverpool. About a fortnight after she saw him, she began to live with him, and continued till the 16th of June, 1805, during all which period she passed under the name of Mrs. Romney. She left Liverpool in the month of January, 1805, and came to London with the prisoner. They then took lodgings at Mr. Dorant's hotel, in Albemarle-street. The account he gave of himself to her was, that he was a West India planter, and that he had estates in Martinique and St. Kitt's. They remained between two and three months at Mr. Dorant's hotel, during which time they were not visited by any body except a Mr. Hope, whom she remembered seeing with the prisoner. This Mr. Hope was not represented to her as being from Holland. She accompanied Mr. Romney to Bath, and on their arrival there they lodged at the White Hart inn, for about a fortnight, previous to their lodging at Madame Simeon's.

Soon after their arrival at the White-Hart, she went with the prisoner to Madame Simeon's to look at some laces and a black cloak. None of these articles, however, were purchased at that time by the prisoner, they being afterwards bought when she was not present. She heard the prisoner state to Madame Simeon, that he would give her a bill of exchange, accepted by Child and Co. of London. She did not then see any bill in his possession, but saw him writing once three days afterwards, when he sent the witness for some red ink. She brought it to him, when he was still writing on the same piece of paper, and he soon afterwards wrote thereon with the red ink and put it up into his pocket-book without saying any thing. The next day he told her she must go and walk with him to Madame Simeon's, as he was going to pay her for some articles he had bought, which the witness had by that time got sent home to her. She accordingly accompanied him to Madame Simeon's shop, where she saw that lady, and her brother, Mr. Du Hamel. A conversation then took place betwixt them, which being entirely in French, she did not understand. She, however, saw a paper given by the prisoner to Madame Simeon, which he took out of his pocket-book. This was the same paper which she had formerly seen him writing. A long conversation ensued after the bill was put down, and she then saw Romney put his name to it. The bill in question was here shewn to the witness, and she distinctly identified it as being the same one she had formerly seen the prisoner write upon with red ink, and afterwards indorse with his name.

Two or three days afterwards the prisoner left Bath for London, and the witness remained at Madame Simeon's. He returned on the Sunday night following, and remained at Madame

Simeon's till next day. She observed that he was then very much disturbed, and she enquired the reason. The prisoner answered by saying, he must be hanged. He asked her to fetch him his writing desk, which she did. He then took out a large parcel of papers, and burnt them. She had no opportunity of seeing what those papers were. She asked him, were the papers any harm? He said, yes, and that there was a paper which must not be seen. He further desired her to go to such and such a trunk, and there she would find a plate, which he wished her to take the first opportunity of throwing into the river. This plate she found without any thing with it, and she put it into her own trunk amongst her wearing apparel.

He wrote her a letter afterwards from Chippenham, requesting her to remember the river. (This letter not being produced, no interrogations were put concerning it.) She had not an opportunity of throwing this plate into the river, as she never went out but under Madame Simeon's protection. She never lived with the prisoner since that day, (June 6, 1805.) She, however, remembered visiting him in the Fleet prison.

She was soon afterwards arrested at Bath, at the prisoner's instance, for the sum of 20,320l. and carried to Winchester gaol, and afterwards removed to the King's Bench. She saw the prisoner on this occasion, and again at the Old Bailey, when he was examined as a witness against her on her trial.

He then charged her with having robbed him on the 11th of June, 1805, of forty guineas and a diamond ring, when he was in the Fleet prison.

This charge was totally without foundation, as was also the alleged debt of 20,320l. She never had any transaction in her life to which such a charge could refer. She heard him also give his evidence at Westminster Hall. What she related concerning the bill in question, she most solemnly declared was the truth. On the interrogatories of Mr. Baron Thompson, the learned judge, she further added, that she could read writing pretty well; when she brought the red ink to the prisoner, she remembered asking him what he had written, and he said he was drawing on Child and Co. She then observed to him that what he had written with the red ink looked very handsome: this made her perfectly certain as to the bill produced on this trial, being the identical bill she had seen the prisoner writing. Mr. Romney at that time thought she could not read writing; he was then teaching her to write his name as he did, and she made considerable progress in imitating his hand. The bill upon which he wrote across with red-ink was printed (meaning engraved) exactly as the one now produced. The next day when she saw the bill given by the prisoner to Madame Simeon, she particularly remarked the date upon it being the same as that which she had formerly seen.

The prisoner was called on for his defence, and, apparently with considerable confidence and firmness, addressed the court, observing that the circumstances attending the bill for which he stood charged, he could very well explain; about the month of June, 1803, a quantity of coffee, rum, and sugar, the produce

of his estates in the West Indies, were sold by his agent, a Mr. M'Claurin, to a gentleman of the name of William Anthony Bailey, for which he (Mr. Bailey) gave a bill of exchange, drawn by the house of Calvert and Simpson, of St. Christopher's, in the West Indies, upon the house of Bond and Proctor, at Lancaster, at six months' date, for 218l. 16s. This bill he (the prisoner) consented to take as payment of the produce sold, and coming to England upon business he brought it with him. On being presented to the house of Bond and Proctor, acceptance was refused, and it was therefore noted, and returned to his agent in the West Indies in the year 1804, who meeting with Mr. Bailey at St. Bartholomew's, received in lieu of the said bill a bond for 302l. to answer the damage arising from the expense of protesting, &c. as well as the original sum. This bond was transmitted to him by his agent, who advised him at the same time, that Mr. Bailey would be in England in the end of September, 1804, and that the transaction could be settled with himself.

On Mr. Bailey's arrival in London, January, 1805, he (Romney) received a letter from him, addressed to him when at Liverpool, informing him of his readiness to settle the business. He (the prisoner) accordingly waited on Mr. Bailey at his lodgings, Craven-street, Strand, when he offered him some other bills of exchange, drawn and accepted by other houses in England, which he (the prisoner) did not object to, provided he knew the acceptors. Several bills were then produced, and among others, that one in question for 420l. which he consented to take from him, and pay him the difference, amounting to 189l. 7s. The bill was then indorsed by Mr. Bailey to him, on his assurance that it was a good and valid draft on Messrs. Child and Co. It having then about seven or eight months to run, it became in a manner useless to him, as he could not get it discounted. Happening to be at Bath he offered it to Mrs. Simeon, she having no objection to take it in payment of an account run up to 130l. by the young woman who had accompanied him there. Mrs. Simeon agreed to account to him for the proceeds. Having occasion to go to London upon business, Mrs. Simeon offered him the use of an apartment for his trunks, &c. which he gladly accepted, and went off, leaving the young woman under the care of Mrs. Simeon. He was then lodging at Sidney-house; and as he did not think it safe to leave his effects at a public hotel, he removed them to Mrs. Simeon's house in the Grove, Bath, in his own carriage, and by his own servants. As he could not get a large Bank of England note for 100l. changed into small notes, he applied to Mrs. Simeon, who accommodated him with the loan of 30l. in small Bank of England notes, and at the same time he indorsed the bill for 420l. to that lady, in the presence of her brother, who offered him more money in country bank-notes, which he refused, as he only wanted sufficient to pay the expenses of his journey to London. After leaving his address with Mrs. Simeon, he was accompanied by her brother to the mail coach. The address he gave was, Dorant's Hotel, or at Harman and Co.'s, Old Jewry.

After being a few hours in town, he was arrested at the suit o

his jeweller, Mr. Davis, of Sackville-street, for a sum of nearly 700l. which he had refused to pay, on account of the greater part of the charge being for diamonds, sent to him at Bath against his positive orders. Mr. Dorant, the hotel keeper, offered, unsolicited, to become his bail in the action, so that he was released from the lock-up-house, and went to Dorant's, where he found a letter from Mrs. Simeon, apprising him of the bill being a forgery, and requiring his return to Bath, or to advise her what she was to do in the business. He was then extremely ill of a fever, created by the agitation of having been arrested; but notwithstanding his situation he immediately set off to Bath, after writing her an answer by the mail two or three hours subsequent to the receipt of her letter.

On seeing Mrs. Simeon and her brother, the forgery became the subject of discussion. He avowed that he was then ready to reclaim the indorsement, and he tendered back to Mrs. Simeon the 30l. or 35l. which he had borrowed of her. She appeared to expect that he would lend her about 430l. which he refused, as he had not so much money about him. He told her solicitor, who was present, that he was perfectly ready to account for the bill having come into his possession; and, therefore, that he had little to apprehend from any criminal prosecution by Messrs. Child and Co. He referred Mrs. Simeon and her brother to Mr. Hope, of Harley-street, and to Messrs. Harman and Co. of the Old Jewry, for his character, he being personally known to them. He had further recommended to Mrs. Simeon and her solicitor to make the necessary inquiries respecting the bill; and, therefore, wished them to go to London, and had readily paid their expenses.

He also observed, as a proof of his innocence, that he might, when in the rules of the Fleet, have made his escape, had he been conscious of any guilt; and concluded his defence by a long detail of circumstances, for the purpose of shewing that the prosecution was founded in malice.

One immaterial witness was called on the part of the prisoner.

Baron Thompson summed up in a very able manner, and recapitulated with great minuteness the whole of the evidence. The jury having consulted for a few minutes, returned a verdict of—*Guilty of forging the acceptance, and of uttering it, knowing it to be forged.*

The trial lasted nearly twelve hours, and the court was crowded to excess. Rouvelett was executed at Ilchester pursuant to his sentence, September 3, 1806. But he asserted his innocence to the last moment.

GEORGE ALLEN,

FOR THE MURDER OF THREE OF HIS OWN CHILDREN,

January 12th, 1807.

THE prisoner, who resided in Upper May Field, Staffordshire, had lived, as it appeared from the testimony of his neighbours, in the utmost harmony with his wife for seventeen years; and uniformly bore the character of an honest industrious man. For some time past he had been subject to epileptic fits; but, on the Sunday preceding the day on which he committed the murder, he was considerably better; and on Monday, January 12, he appeared quite well.

At eight o'clock on the evening of that day he retired to rest, and when his wife followed him in the course of an hour, she found him sitting upright in bed, smoking a pipe, which was his usual custom. In another bed, in the same room, lay three of his infant children asleep, the eldest a boy about ten years old, the second a girl about six, and the youngest a boy about three.

The wife having got into bed, with an infant at her breast, Allen asked her, "What other man she had in the house?" to which she replied, "That no man had been there but himself." He insisted to the contrary, but his wife continued to assert her innocence. He then jumped out of bed, and went down stairs, and she, from an impulse of fear, followed him; she met him on the stairs, and asked what he had been doing in such a hurry? in answer to which he ordered her to get up stairs again. He then went to the bed where his children were, and turned down the clothes. On her endeavouring to hold him, he told her to let him alone, or he would serve her the same, and immediately attempted to cut her throat, in which he partly succeeded, and wounded her right breast; but a handkerchief she wore about her head and neck prevented the wound from being fatal. She then extricated herself (having the babe in her arms all the time, which she preserved unhurt,) and jumped, or rather fell down stairs. Before she could well get up, one of the children, the girl, fell at her feet, with its

head nearly cut off, and which he had murdered and thrown after her. The poor woman now opened the door, and screamed out that her husband was cutting off the children's heads.

A neighbour shortly came to her assistance, and a light having been procured, the monster was found standing in the middle of the house place, with a razor in his hand. He was asked what he had been doing? when he replied cooly, "Nothing yet; I have only killed three of them." On their going up stairs a dreadful spectacle presented itself; the head of one of the boys was very nearly severed from his body, and the bellies of both were partly cut, and partly ripped open, and the bowels torn completely out, and thrown on the floor. Allen made no attempt to escape, and was taken without resistance. He said it was his intention to murder his wife and all her children, and then to put an end to himself. He also avowed his intention to murder an old woman, who lay bed-ridden in the same house.

An inquest being held on the bodies of the three children, before Mr. Hand, coroner of Uttoxeter, he confessed his guilt, but without expressing any contrition. In answer to some questions, he promised to confess something that had laid heavily on his mind; and Mr. Hand, supposing it might relate to a crime he had heretofore committed, caused him to be examined in the presence of other gentlemen, when he told an incoherent story of a ghost, in the shape of a horse, having about four years ago enticed him into a stable, where it drew blood from him and then flew into the sky. With respect to the murder of his children, he observed to the coroner, with apparent unconcern, that he supposed it was as bad a case as ever the coroner heard of.

This unfortunate man having been convicted at the Stafford assizes of these murders, underwent, on the 30th of March, 1807, the sentence of the law. He appeared sensible of his dreadful situation, and earnestly entreated the spectators to take warning by his fate.

JOHN HOLLOWAY, AND OWEN HAGGERTY,

FOR THE MURDER OF JOHN COLE STEELE,

On Hounslow-Heath. February 22, 1807.

Mr. Steele was proprietor of a lavender-water ware-house, in Catherine-street, Strand, and on the day preceding his murder, November 5, he went to Bedfont, where he had a plantation of lavender; but not returning to his house in town according to his usual custom, his friends became anxious for his safety. A strict search was set on foot, and, after exploring different parts of Hounslow-Heath, he was found buried under a bush: part of his forehead being entirely cut away, and his head wounded in many places, as was conjectured, with a bayonet. It was also discovered that, on his return from Bedfont, he could not procure any kind of carriage, and consequently was obliged to proceed to town on foot. His boots and hat were taken away; his pockets were cut entirely off; and, from the circumstance of a military hat being found at the place, no doubt was entertained that he was murdered by some soldiers.

Several persons were taken up on suspicion of being the perpetrators, and among them were two labourers, who were heard quarreling at Bristol, and accusing each other of shocking crimes; but it appearing that they were both innocent of this charge, a collection was made for them in the office. Sir R. Ford ordered them three guineas, and a pass to Liverpool, indicative of their innocence. Still no conclusive evidence or fact could be brought home, so as to warrant the detention of any person for the crime, and the public had to regret that the offenders remained undiscovered.

The following circumstance, about four years afterwards, led to the apprehension of John Holloway and Owen Haggerty. A man named Benjamin Hanfield, who had been convicted at the Old Bailey of grand larceny, was sentenced to seven years' transportation. He was conveyed on board a hulk at Woolwich, to await his departure for New South Wales;

but having been taken with a severe illness, and tortured in his mind by the recollection of the murder, about which he constantly raved, he said he wished to make a discovery before he died. A message was immediately dispatched to the police-magistrates at Bow-street, to communicate the circumstance, and an officer was sent to bring him before them. When he was brought on shore, he was obliged to remain several days, his illness not permitting his immediate removal. On his arrival in town, the magistrates sent him, in custody of an officer, to Hounslow Heath. He there pointed out the fatal spot where the murder was perpetrated, and related all the circumstances, which he alleged to have attended it; and as his evidence implicated Haggerty and Holloway, measures were taken to apprehend them. Several private examinations of all the parties took place. Hanfield was admitted King's evidence, and the public once more cherished a hope that the murderers would meet the punishment they deserved.

The indictment having been read, and the prisoners having pleaded not guilty, Mr. Gurney, as counsel for the prosecution, opened the case. He stated to the jury, the charge upon which the prisoners stood at the bar. He said that, doubtless, the recollection of the circumstances of this melancholy transaction was fresh in their memory; he only mentioned this, that before they went into the box, they would divest their minds from any feelings arising from the nature of the crime. He then stated the circumstances of the deceased himself, before he entered into a detail of the evidence. Mr. Steele, he said, had left his house in town on Friday, the 5th of November, 1802, giving his family to understand that he should return next day. He slept at Feltham that night; and left his house at Feltham on Saturday evening, about seven o'clock, dressed in a drab coloured great coat, boots, and a hat: he did not return to town that night, nor on Sunday. This caused alarm, and his brother-in-law went to Feltham, and found that he left his house on Saturday. A number of persons were dispatched to look for him in different directions. After a search of some time in various parts of Hounslow Heath, in a ditch, situ-

ated in a clump of trees, at the distance of about five or six hundred yards from the barracks at Feltham, the body was found with the face covered with blood; a violent blow seemed to have been inflicted on the back part of the head, with a fracture on the forehead, and a leathern strap tied very tight round the neck; and by the side of the body were found a large bludgeon, a pair of old shoes, and an old hat trimmed with worsted binding: at some distance, on the other side of the road, were discovered several marks of blood. The body seemed to have been dragged some distance. Diligent search was made, but the perpetrators were not discovered. Towards the close of the year, 1806, information was received by Mr. Nares, that a person of the name of Hanfield, who was convicted in this Court of stealing last sessions had, while in confinement, dropped some expressions indicating something relative to this event. Application was made to the Secretary of State to procure his majesty's pardon for him, he being then under the sentence of transportation, and not capable of being received as a witness in the trial of his accomplices. His majesty was accordingly graciously pleased to grant him a full pardon, and a proper officer was sent to conduct him from the Hulks at Portsmouth; whence he was conveyed to town, and brought before the magistrates at Worship-street.

Benjamin Hanfield, the accomplice, was examined, and deposed nearly as follows:—

"I have known Haggerty eight or nine years, and Holloway six or seven. We were accustomed to meet at the Black-Horse, and Turk's-Head, public-houses, in Dyot-street. I was in their company in the month of November, 1802. Holloway, just before the murder, called me out from the Turk's-Head, and asked me, if I had any objection to be in a good thing? I replied I had not. He said it was a "*No Toby*," meaning a foot-pad robbery. I asked when and where. He said he would let me know. We parted, and two days after we met again, and Saturday, the 6th of November, was appointed. I asked who was to go with us? He replied that Haggerty had agreed to make one. We all three met on the Saturday, at the Black-Horse, when Holloway said, our business is to "*serve*" a gentleman on Hounslow-Heath, who, I understand, travels that road with property. We then drank for three or four hours, and about the middle of the day we set off for Hounslow. We stopped at the Bell public-house, and took some

porter. We proceeded from thence upon the road towards Bedfont, and expressed our hope that we should get a good booty. We stopped near the eleventh mile stone, and secreted ourselves in a clump of trees. While there, the moon got up, and Holloway said, we had come too soon. After loitering about a considerable time, Holloway said, he heard a footstep, and we proceeded towards Bedfont. We presently saw a man coming towards us, and, on approaching him, we ordered him to stop, which he immediately did. Holloway went round him, and told him to deliver. He said, we should have his money, and hoped we would not ill-use him. The deceased put his hand in his pocket, and gave Haggerty his money. I demanded his pocket-book. He replied, that he had none. Holloway insisted that he had a book, and if he did not deliver it, he would knock him down. I then laid hold of his legs. Holloway stood at his head, and swore if he cried out he would knock out his brains. The deceased again said, he hoped we would not ill-use him. Haggerty proceeded to search him, when the deceased made some resistance, and struggled so much, that we got across the road. He cried out severely; and, as a carriage was coming up, Holloway said, "Take care, I will silence the b———r," and immediately struck him several violent blows on the head and body. The deceased heaved a heavy groan, and stretched himself out lifeless. I felt alarmed, and said, "John, you have killed the man:" Holloway replied, that it was a lie, for he was only stunned. I said I would stay no longer, and immediately set off towards London, leaving Holloway and Haggerty with the body. I came to Hounslow, and stopped at the end of the town nearly an hour. Holloway and Haggerty then came up, and said they had done the trick, and, as a token, put the deceased's hat into my hand. The hat Holloway went down in was like a soldier's hat. I told Holloway it was a cruel piece of business, and that I was sorry I had any hand in it. We all turned down a lane and returned to London. As we came along, I asked Holloway if he had got the pocket-book. He replied, it was no matter, for as I had refused to share the danger, I should not share the booty. We came to the Black-Horse in Dyot-street, had half a pint of gin, and parted. Haggerty went down in shoes, but I don't know if he came back in them. The next day I observed Holloway had a hat upon his head, which was too small for him. I asked him if it was the same he got the preceding night. He said it was. We met again on the Monday, when I told Holloway that he acted imprudently in wearing the hat, as it might lead to a discovery. He put the hat into my hand, and I observed the name of Steele in it. I repeated my fears. At night Holloway brought the hat in a handkerchief, and we went to Westminster Bridge, filled the hat with stones, and, having tied the lining over it, threw it into the Thames."

The witness being cross-examined said, he had made no other minutes of the transactions he had been detailing, than what his conscience took cognizance of. It was accident that led to its disclosure. He was talking with other prisoners in Newgate of particular robberies that had taken place; and the Hounslow rob-

bery and murder being stated amongst others, he inadvertently said, that there were only three persons who knew of that transaction. The remark was circulated and much noticed, and a rumour ran through the prison, that he was about to turn "*nose*;" and he was obliged to hold his tongue, lest he should be ill-used. When at Portsmouth, on board the hulks, the compunctions of conscience came upon him, and he was obliged to dissipate his thoughts by drinking, to prevent him divulging all he knew. At last he was questioned by Sir John Carter; and at length an officer arrived from London, and he made a full confession. He admitted that he had led a vicious life, that he had been concerned in several robberies, and had entered and deserted from several regiments. He had served in the East and West London Militias, had enlisted in the 9th and 14th Light Dragoons, and had been in the Army of Reserve. He added, that he was ashamed and sorry at what he had been, and would endeavour to mend his life in future.

John Vickery stated, that he was an officer belonging to Worship-street, and that, in consequence of information received by John Nares, Esq. the superintendant of the office in Worship-street, he had been sent to Portsmouth to bring up Hanfield, who was then confined on board the hulks, waiting to be transported with others, pursuant to his sentence. He was immediately delivered into his custody by the captain of the hulks, and they returned to London. As they passed across the heath of Hounslow, on the top of the coach, Hanfield pointed to a spot near a clump of trees, just at the eleven mile-stone, which he said was the place where the murder had been committed; but they had then no further conversation on the subject, as they were surrounded by people on the top of the coach. Hanfield, on his arrival in town, underwent an examination; in consequence of which he and the witness went together to Hounslow. They stopped at the Bell Inn, whence they proceeded to the heath; when Hanfield again pointed out the place where the crime was perpetrated, which the witness thought exactly the same as that pointed out by the former witnesses, detailing the circumstances of the murder, previous to his escape from his companions, in almost the same words as he had described them to the court. The witness and he returned to town. Soon after, the witness apprehended Holloway at Brentford, during the late election, and brought him to town. When he was examined before the presiding magistrate of Worship-street office, he declared he was totally innocent; but added, "if they would let him go, he would down on his knees to both the magistrate and the witness." The prisoner Holloway was remanded for further examination.

The witness went down to Deal, where he apprehended the prisoner Haggerty, on board the Shannon frigate, as a marine. When the witness apprehended him, he was in a very bad state of health, so much so, that he was obliged to be left behind, not being able to bear the fatigue of removal. The witness took an opportunity of asking him, in the presence of his captain, where he had been about three years ago? the prisoner answered, he was then employed in London as a day-labourer. The witness then asked him, where he

had been that time four years? The prisoner directly turned pale, and would have fainted away, had not water been administered to him. Soon after, his health was so far restored as to permit his being removed to town, when he and the other prisoner underwent several examinations.

T. Croker, a Bow-street officer, recollected seeing, about four years ago, Haggerty and Hanfield together, near the Seven-Dials, and in the Turk's-Head. In this he was corroborated by the statement of one Limerick, another officer.

J. M'Donald, keeper of the Black-Horse, Dyot-street, knew both the prisoners, and the prosecutor Hanfield; had frequently seen Hanfield and Haggerty in the same box in his tap-room.

William Beale, keeper of the Turk's-Head, said, he had seen them also at the same time in his tap-room, but was not certain of their being comrades.

John Peterson, had been a pot-boy at the Turk's-Head, and had frequently drawn beer for the prisoners; but could not say they were on terms of intimacy together.

John Sawyer lived, in 1802, at Hounslow, at the Bell, where he saw the two prisoners frequently; but could not be certain of seeing them in company together.

John Nares, Esq. the magistrate, said, that the prisoners were examined by him apart, when Hanfield was produced in evidence against them. He then read from a paper the examination of Haggerty, in which he denied knowing any thing of either Hanfield or Holloway, or being at the Turk's-Head or Black-Horse, porter-houses. Haggerty acknowledged he had been in confinement in July, 1802, in Tothill-fields. After this liberation, he said, he worked for some time with Mr. Smith, of Castle-street, as a plasterer; that his working-dress was usually a green velveteen jacket and small clothes. Being confronted afterwards with Mr. Smith, who denied his having ever been employed by him, he said—"That since they had bothered him so about it, he would give them no information on the subject." The same paper stated, that Holloway had acknowledged he knew Hanfield and Haggerty; but had never drank in their company; had never been at Hounslow in his life. He alleged he had worked for a Mr. Rose, and others, in November, 1802, which, on application, was found to be inaccurate, as he had not worked for them till March, 1803.

James Bishop, a police-officer, stated, that in the rear of the Police-office in Worship-street are some strong rooms, for the safe keeping of prisoners pending their successive examinations. In two of these rooms, adjacent to each other, and separated by a strong partition, the prisoners were separately confined, and immediately behind these rooms is a privy. In this privy he took post regularly, after each successive day's examination; and, as the privy went behind both rooms, he could distinctly overhear the conversation of the prisoners, as they spoke pretty audible to each other from either side of the partition. Of this conversation he took notes, which were afterwards copied out fairly, and proved before the magistrates; which he, on this occasion, read as his evidence in court.

These conversations extended to a very considerable length; but the material points were few. They shewed, however, from the words of the prisoners' own conversation, that all they had said before the magistrates, in the denial of any acquaintance with each other or with Hanfield, was totally false, and a mere stratagem to baffle the testimony of the latter, who they hoped had secured his own execution by confessing his guilt, without being able to prove theirs; for they were confident the magistrates would not believe his testimony; and that there was no other witness to prove any clue to the fact, or that saw them together near Hounslow, where, from the whole connected tenour of their conversation, it was clear they had been on the night of the murder. But one strong point seemed to remove every doubt: Haggerty asked Holloway after one of the latter examinations, "Where did Hanfield say *we had the gin* that night, after we came to town?" To which Holloway answered, "At the Black-Horse, in Dyot-street." Haggerty then replied, "It must be at the Black-Horse *we had the gin* sure enough."

John Smith, a coachman to the Gosport coach, in the month of November, 1802, near eight o'clock in the evening of the above-mentioned day, heard, as he passed across Hounslow-heath, on the right-hand side of the road, near the eleven mile-stone, two groans, the last more faint than the other; on which he remarked to some one on the outside of the coach, that "there was something desperate carrying on there."

Isaac Clayton, beadle of Hounslow, said, he received a pair of shoes and a stick from some person he does not recollect, just after the murder of Mr. Steele: he recollected, near six years ago, seeing Holloway in company with a man of the same name, who had a wooden leg, about the town of Hounslow; and had seen him also at Brentford election, and other places. The prisoner himself acknowledged he knew him, when examined in Worship-street.

Joseph Townsend, police-officer of Worship-street, produced a huge knotty bludgeon, a pair of shoes, and a hat, which had been given several years ago to Clayton, by Hughes, and was delivered to him by Clayton.

J. Blackman, an officer, knew Haggerty seven years, Hanfield five years, and Holloway a year and a half. About four years ago, he had often seen them together at the Turk's-Head, when he conversed with Haggerty, and observed to him he had been lately in a good thing, as his dress was much improved; the prisoner said, he had left it all off now, as he was serving a plasterer, near Hounslow. He was dressed in a green velveteen jacket and small clothes.

A hat was then produced in Court, which had been the property of the deceased, by whom it was given to a servant man, who had since worn it almost to rags. The hat had been very much widened in the wearing, and, when placed on Holloway's head, appeared rather too large for him.

William Robinson, hatter to the deceased, stated, that the hat must have been enlarged by wearing, as he had Mr. Steele's measure in 1802, and could answer for it, that the deceased's hat must nearly fit the prisoner Holloway, as their heads were nearly the same size.

William Britton, shoe-maker, knew well the deceased's measure, and thought his boots would fit the prisoner Haggerty. The shoes produced in court, he said, he had tried on the prisoner, and found them rather too large; but added, that it was plain, from the manner the hind quarter of the shoe had fallen inwards, that they were too large for their original wearer.

The prosecution being closed, the prisoners were called on to make their defence.

Haggerty protested he was completely innocent of the charge, was totally ignorant of the prosecutor Hanfield, denied ever being at Hounslow, and endeavoured to point out some inconsistencies in the evidence which had been adduced by Hanfield.

Holloway declared he was equally innocent of the charge; but admitted he had been at Hounslow more than once, might have been in the company of the prisoner Haggerty and Hanfield, but was not acquainted with either of them.

The jury retired for about a quarter of an hour, and returned with a verdict of *Guilty* against both the prisoners.

The recorder immediately passed sentence in the most solemn and impressive manner, and the unhappy men were ordered for execution on the following Monday morning. They went from the bar protesting their innocence, and apparently careless of the miserable and ignominious fate that awaited them.

During the whole of Sunday night, the convicts were engaged in prayer, never slept, but broke the awful stillness of midnight, by frequent protestations of reciprocal innocence. Holloway delivered in the most solemn manner, the following energetic address: Gentlemen, I am quite innocent of this affair. I never was with Hanfield; nor do I know the spot. I wil kneel and swear it. He then knelt down, and impre-

cated curses on his head if he were not innocent, and expressed, by God, I am innocent.

After the executioner tied the fatal noose to Haggerty, he brought up John Holloway, who wore a smock-frock and jacket, as it had been stated by the approver that he did at the time of the murder: he had also a white cap on, was pinioned, and had an halter round his neck; he had his hat in his hand; and, mounting the scaffold, he jumped and made an awkward bow, and said, "I am innocent, innocent, by God!" He then turned round, and bowing, made use of the same expressions, "*Innocent, innocent, innocent! Gentlemen!—No verdict! no verdict! no verdict! Gentlemen—Innocent! Innocent!*"

The crowd which assembled to witness this execution was unparalleled, being, according to the best calculation, nearly forty thousand persons. About eight o'clock not an inch of ground was unoccupied in view of the platform. The pressure of the crowd was such, that before the malefactors appeared, numbers of persons were crying out in vain to escape from it: the attempt only tended to increase the confusion. Several females of low stature, who had been so imprudent as to venture amongst the mob, were in a dismal situation: their cries were dreadful. Some who could be no longer supported by the men, were suffered to fall, and were trampled to death. This was also the case with several men and boys. In all parts there were continued cries of *Murder! Murder!* particularly from the female part of the spectators and children, some of whom were seen expiring without the possibility of obtaining the least assistance, every one being employed in endeavouring to preserve his own life. The most affecting scene was witnessed at Green-Arbour Lane, nearly opposite the debtors' door. The lamentable catastrophe which took place near this spot, was attributed to the circumstance of two pie-men attending there to dispose of their pies, and one of them having his basket overthrown, some of the mob not being aware of what had happened, and at the same time severely pressed, fell over the basket and the man at the moment he was picking it up, together with its contents. Those who once fell were never more

enabled to rise, such was the pressure of the crowd. At this fatal place, a man of the name of Herrington was thrown down, who had in his hand his younger son, a fine boy about twelve years of age. The youth was soon trampled to death; the father recovered, though much bruised, and was amongst the wounded in St. Bartholomew's Hospital. A woman, who was so imprudent as to bring with her a child at the breast, was one of the number killed: whilst in the act of falling, she forced the child into the arms of the man nearest to her, requesting him, for God's sake, to save its life; the man, finding it required all his exertion to preserve himself, threw the infant from him, but it was fortunately caught at a distance by another man, who finding it difficult to ensure its safety or his own, disposed of it in a similar way. The child was again caught by a person, who contrived to struggle with it to a cart, under which he deposited it until the danger was over, and the mob had dispersed.

In other parts the pressure was so great, that seven persons lost their lives by suffocation. The body of the crowd, as with one convulsive struggle for life, fought furiously with each other; consequently the weakest, particularly the women, fell a sacrifice. A cart, which was overloaded with spectators, broke down, and some of the persons falling from the vehicle were trampled under foot, and never recovered. During the hour the malefactors hung, little assistance could be afforded to the unhappy sufferers; but, after the bodies were cut down, and the gallows was removed to the Old Bailey Yard, the marshals and constables cleared the streets where the catastrophe had occurred, when nearly 100 persons, dead, or in a state of insensibility, were found in the street. Twenty seven bodies were taken to St. Bartholomew's Hospital; four to St. Sepulchre's Church; one to the Swan on Snow-hill; one to a public-house opposite St. Andrew's Church, Holborn; one, an apprentice, to his master's, Mr. Broadwood, piano-forte maker, in Golden-square; a mother was seen to carry away the body of her dead son; and Mr. Harrison, a respectable gentleman, was taken to his house at Holloway. A sailor-boy was kill-

ed opposite Newgate, by suffocation; in a small bag which he carried was a quantity of bread and cheese, and it is supposed he came some distance to witness the execution. After the dead, dying, and wounded, were carried away, there was picked up a cart load of shoes, hats, petticoats, and other articles of wearing-apparel. Until four o'clock in the afternoon, most of the surrounding houses contained some person in a wounded state, who were afterwards taken away by their friends on shutters or in hackney coaches. At Bartholomew's Hospital, after the bodies of the dead were stripped and washed, they were ranged round a ward with sheets over them, and their clothes put as pillows under their heads; their faces were uncovered, and there was a rail along the centre of the room; the persons who were admitted to see the shocking spectacle, and identified many, went up on one side and returned on the other. Until two o'clock, the entrances to the hospital were beset with mothers weeping for their sons! wives for their husbands! and sisters for their brothers! and various individuals for their relatives and friends!

THOMAS SIMMONS,

FOR MURDER, October 20th, 1807.

THE prisoner was arraigned at the bar on the morning of the 4th March, 1808, and the usual plea having been received, the case, which consisted of a few facts only, to be substantiated by evidence, was opened by Mr. Pooley. He mentioned the circumstance of the prisoner's having lived fellow-servant at Mr. Boreham's, at Hoddesdon, with Elizabeth Harris, to whom he had paid his addresses, wishing to marry her; with other particulars which would appear in evidence, and would be necessary to connect the facts, and to ascertain the motives upon which the murder had been perpetrated.

Elizabeth Harris, being sworn, and asked in whose service she was at the time of this unfortunate accident, answered that she

then lived with Mr. Boreham's family, and for four years preceding; that the prisoner had lived there three years, but quitted his service at Michaelmas. On being asked if the prisoner had not expressed some strong inclination to marry her, she answered that he had, but that her mistress disapproved of it; and that he had quarrelled with the witness on that account before he left the service, and was so enraged, as to beat her; and not contented with this, declared that he did not care if he had killed her; farther adding, that he had often said he would make away with her, because she would not marry him. She then added, that the murder was effected about half past eight in the evening; that she first heard him coming along the yard towards the house, at which time she was in the kitchen; that she heard him swearing violently, and she requested him not to make a noise or disturbance, as there was company in the house; but he said he did not care for the company as he would do for them all. The witness then ran into the wash-house, and shut the door, when he struck at her through the lattice.

At this time the noise being very considerable, Mrs. Hummerstone opened the door and came into the yard, telling him to go away; when he struck her on the head and knocked off her bonnet; on which she ran back into the house and he followed her immediately. The witness heard the shrieks of murder, though she could not tell from whence they came, as all the family were in the room, consisting of Mrs. Boreham's three daughters, with Mrs. Warner a married daughter, their father and mother, and Mrs. Hummerstone. The witness then added, that the prisoner very soon came towards the wash-house, when she again shut the door, and cried out, Murder! and immediately ran into the sitting room.

She saw some person lying under the window, but, from her fright could not say who it was; she ran away down the passage, followed by the prisoner, where she met her master, a very feeble old man, with a poker in his hand, who was knocked down in running hastily. Being seized by the prisoner, the witness was thrown down, when he drew a knife across her throat, by which her hand, in guarding it, was much cut; and, in his second attempt, she wrested it from him, on which he ran away immediately, and she saw no more of him. In his attempts to murder the witness, he threw her across Mrs. Warner, who was then, as she believed, lying dead.

Sarah Cakebury was next sworn, who deposed, that she lived near Mrs. Boreham's at the time of this misfortune, on the 20th October, and was alarmed on that evening with the cry of murder; on which she went into the house, when she passed Mrs. Hummerstone and saw Mrs. Warner lying dead under the window.

George Britton was afterwards sworn, who stated, that on the fatal evening of the 20th October, in consequence of hearing of this melancholy event, he went to Mr. Boreham's house at Hoddesdon; and, after he had been informed more particularly respecting it, proceeded without delay in search of the murderer. On finding the hat of Tom Simmons, the prisoner at the bar, in the cow-house, he went in search of him, but did not find him.

Thomas Copperthwaite on being sworn, deposed, that he also

went in search of the murderer, and discovered Simmons the prisoner concealed under some straw in a crib in the farm-yard; and on being interrogated as to his dress, he stated, that he had on a smock-frock, which was very bloody, and that the place where he was found was about a hundred yards from the house.

The coroner, *Benjamin Rook*, Esq. being next called and sworn, deposed, that when the testimony of Elizabeth Harris, at the time of the inquest, was read to the prisoner at the bar, he said it was very true; that he had murdered them, and no one else; that it was not his intention to have murdered Mrs. Hummerstone, but that he went to the house with a full design to murder Mrs. Boreham, Mrs. Warner, and Elizabeth Harris, the servant.

The constable, under whose custody he was conveyed to Hertford gaol, on being sworn, deposed to the same effect; with this additional circumstance, acknowledged to him by the prisoner, that after he had thrown the servant down, he heard something fluttering over his shoulders, which made him get up and run away.

The evidence being summed up by Mr. Justice Heath, before whom he was tried, on a case so very clear, he said, that observations were rendered unnecessary; because, if any doubt could possibly have existed of the prisoner's guilt, he had more than once voluntarily acknowledged it. The jury almost instantly gave the verdict of *Guilty*; and the Judge proceeded, without delay, to pronounce the dreadful sentence of the law in the accustomed manner; to be hanged on the following Monday, and his body to be committed to the surgeons to be anatomized. The sentence seemed to affect him very little, and he walked from the bar with great coolness and indifference; and suffered the punishment denounced for his crime accordingly, on the 7th March, 1808.

It will appear from the preceding account of the trial for the murder of Mrs. Hummerstone, that no indictment was preferred on account of Mrs. Warner. Our readers should be acquainted that Mrs. Warner, the eldest, and only married daughter of Mr. Boreham, and her whole family, were of the society of quakers, and was then on a visit to her parents at Hoddesdon. Mrs. Hummerstone was housekeeper to Mr. Batty, of the Bull Inn there, and superintended the business; and was then at Mr. Boreham's by invitation to spend the evening. Mrs. Warner's husband was a brass-founder, residing in the Crescent, in Kingsland Road, and the factory was in the Crescent, in Jewin Street,

near Aldersgate. The prosecution of the indictment for the murder of Mrs. Hummerstone was carried on at the instance of Mr. W. White, and Mr. B. Fairfax, of the Black Bull Inn, Hoddesdon, and Mr. J. Brown, churchwarden; a measure rendered absolutely necessary from the refusal of Mr. Boreham's family to prosecute on behalf of Mrs. Warner.

MAJOR ALEXANDER CAMPBELL,

FOR THE MURDER OF CAPTAIN ALEXANDER BOYD, AT ARMAGH, IN A DUEL, 1807.

ALEXANDER CAMPBELL was Brevet-major in the army, and a captain in the 21st regiment of foot: he was a first cousin of the earl of Breadalbane, a man beloved and esteemed by all his friends. After the unfortunate duel, which took place in June, 1807, major Campbell made his escape from Ireland, and lived with his family, under a fictitious name, in Chelsea; but his mind became so uneasy that he at last determined to surrender himself.

Accordingly, in the summer of 1808, he was indicted at the Armagh assizes, for the wilful and felonious murder of Alexander Boyd, captain in the same regiment, by shooting him, the said Alexander Boyd, with a pistol bullet, on the 23d of June, 1807, in the county of Armagh, in the kingdom of Ireland.

George Adams, who was assistant-surgeon in the 21st regiment, since April twelvemonths, said he knew major Campbell and captain Boyd. In June 1807, they were quartered in the barrack in the county of Armagh, side of Newry. On the 23d of said month he was sent for in great haste to captain Boyd, who died of a wound he received by a pistol bullet, which penetrated the extremity of the four lower ribs, and lodged in the cavity of the belly. On that day the regiment was inspected by general Kerr, and after the inspection the general and officers messed together. About eight o'clock, all the officers left the mess, except major Campbell, captain Boyd, witness, and a lieutenant Hall. A conversation was then commenced, by major Campbell stating, that general Kerr corrected him that day about a particular mode of giving a word of command, which he conceived he gave right. He mentioned how he gave it, and how the general corrected him. Captain Boyd remarked, that "neither was correct according to Dundas, which is the king's order." (This colloquy, witness

stated, took place in the usual mode of conversation.) Major Campbell said it might not be according to the king's order, but still he conceived it was not incorrect. Captain Boyd still insisted "it was not correct according to the king's order." They argued this some time, till captain Boyd said, "he knew it as well as any man." Major Campbell replied, he doubted that much. Captain Boyd at length said, "he knew it better than he did, and he might take that as he liked." Major Campbell then got up and said, "Then, captain Boyd, do you say I am wrong?" Captain Boyd replied, "I do; I know I am right according to the king's order." Major Campbell then quitted the room. Captain Boyd remained after him some time: he left the room before witness or lieutenant Hale, but no observation was made on his going, more than any other gentleman who had dined there. Witness and lieutenant Hale went out together in a short time after; they went to a second mess-room, and there captain Boyd came up to them and spoke to them. They then went out together, and witness left captain Boyd at lieutenant Deivaris's. In about twenty minutes after, he was called upon to visit captain Boyd. He found him sitting in a chair vomiting blood; he examined his wound, and conceived it a very dangerous one. He was in great pain, and survived it but eighteen hours. Witness staid with him till he died, during which time he got gradually worse till his dissolution.

John Uvey stated that he is a mess-waiter of the 21st regiment, and was so then. He remembered the night this affair took place; knew major Campbell and captain Boyd. He saw major Campbell that night in a room where he was washing glasses; major Campbell had quitted the room about ten or fifteen minutes. As the major was coming up stairs, captain Boyd was leaving the mess-room, and they met on the stair-head; both went into the mess-waiter's room, and there remained ten or fifteen minutes, when they separated. Prisoner, in about twenty minutes, came again to witness, and desired him to go to captain Boyd, and tell him a gentleman wished to speak to him, if he pleased. Witness accordingly went in search of captain Boyd; he found him on the parade-ground; he delivered the message, and captain Boyd accompanied him to the mess-room; no one was there. Witness pointed to a little room off it, as the room the gentleman was in. He then went to the mess-kitchen, and in eight or ten minutes he heard the report of a shot, but thought nothing of it till he heard another. Witness then went to the mess-room, and there saw captain Boyd and lieutenants Hall and M'Pherson. Captain Boyd was sitting in a chair vomiting blood. Major Campbell was gone; but in ten or twelve minutes he came to the room where witness was washing glasses. Major Campbell asked for candles; he got a pair, and brought them into the small room. Major Campbell then shewed the witness the corners of the room in which each person stood, which distance measured seven paces. Witness never saw major Campbell after till a week before, though witness never quitted the regiment, but retained his employment.

John M'Pherson stated, that he was lieutenant in said regiment, knew major Campbell and captain Boyd, and recollected the day

of the duel. On the evening of that day, going up stairs about nine o'clock, he heard, as he thought, major Campbell say, "On the word of a dying man is every thing fair?" He got up before captain Boyd replied. He said, "Campbell, *you have hurried me—you are a bad man!*" Witness was in coloured clothes, and major Campbell did not know him; but said again "Boyd, before the stranger and lieutenant, was every thing fair?" Captain Boyd replied, "Oh no, Campbell, *you know I wanted you to wait and have friends!*" Major Campbell then said "Good God! will you mention before these gentlemen—was not every thing fair? Did not you say you were ready?" Captain Boyd answered, Yes; but in a moment after said, "Campbell, *you are a bad man!*" Captain Boyd was helped into the next room, and major Campbell followed, much agitated, and repeatedly said to captain Boyd, that he (Boyd) was the happier man of the two. I am, exclaimed major Campbell, an unfortunate man, but I hope not a bad one. Major Campbell asked captain Boyd if he forgave him. He (captain Boyd) stretched out his hand, and said, "I forgive you—I feel for you—and am sure you do for me." Major Campbell then left the room.

John Greenhill was produced to prove that major Campbell had time to cool after the altercation took place, inasmuch as he went home, drank tea with his family, and gave him a box to leave with lieutenant Hall, before the affair took place.

The learned judge, in his charge, briefly summed up the main points, and thus concluded:—

It has been very accurately stated to you by the counsel for the prosecution, that illegally killing a man, by the law of England, must fall within one of the three species—homicide, manslaughter, or murder; and that with homicide you had nothing to do, as the case before you was clearly neither chance-medley, self-defence, nor any kind of justifiable homicide. The case, then, must either be manslaughter, or murder. Manslaughter is illegally killing a man under the strong impulse of natural passion. Three qualities are necessary to constitute it. In the first place, the passion must be natural; that is to say, such as is natural to human infirmity under the provocation given;—secondly, the act must be such as the passion naturally, and according to the ordinary course of human actions, would impel;—and thirdly, and indeed mainly, the criminal act must be committed in the actual moment of the passion, *flagrante animo*, as it is termed, and before the mind has time to cool. The act of killing, under such circumstances, is manslaughter. But if any of these circumstances be wanted; if the passion be beyond the provocation—beyond what the provocation should naturally and ordinarily produce; if the act be beyond the passion—beyond what the passion would naturally and ordinarily impel, or if it be not committed in the very moment of the passion, and before the passion either has or should have passed away;—in all these cases, the act of criminal killing is not manslaughter, but murder.

Now, to apply this to the present case.—The provocation, as

stated by the evidence, consisted in these words, "Do you say I am wrong?" "Yes, I do;" and the manner in which those words were said. It remains for you, therefore, gentlemen, to judge, whether such a provocation was sufficient to constitute that passion which, under the interpretation of the law, would render the prisoner at the bar guilty of manslaughter only, or whether the consequent passion was not above the provocation, and, therefore, that the prisoner is guilty of murder. You will consider this coolly in your own judgment, and will remember upon this point, the evidence that has been given; that the words were certainly offensively spoken, but that it was in the heat of argument, and that by a candid explanation, as the evidence expressed it, the affair might not have occurred.

You will next have to consider, whether the criminal act was committed in the moment, the actual moment of the passion; or whether the prisoner had time to cool, and to return to the use of his reason. Upon this point, you must keep your attention more particularly fixed on that part of the evidence which goes to state that major Campbell returned home, took his tea, and executed some domestic arrangements, after the words, and before the meeting. If you are of opinion, either that the provocation, which I have mentioned to you, and which you collect from the evidence, was too slight to excite that violence of passion which the law requires for man-slaughter; or that, be the passion and the provocation what it might, still that the prisoner had time to cool, and return to his reason—in either of these cases, you are bound upon your oaths to find the prisoner guilty of murder.

There is still another point for your serious consideration. It has been correctly stated to you by the counsel, that there is such a thing which is called the point of *honour*—a principle totally false in itself, and unrecognized both by law and morality; but which, from its practical importance, and the mischief attending any disregard of it to the individual concerned, and particularly to a military individual, has usually been taken into consideration by juries, and admitted as a kind of extenuation. But in all such cases, gentlemen of the jury, there have been, and there must be, certain grounds for such indulgent consideration—such departure from the letter and spirit of the law. In the first place, the provocation must be great; in the second place, there must be a perfect fair dealing—the contract, to oppose life to life, must be perfect on both sides, the consent of both must be full, neither of them must be forced into the field:—and thirdly, there must be something of necessity, to give and take the meeting; the consequence of refusing it being the loss of reputation, and there being no means of honourable reconciliation left.

Let me not be mistaken on this serious point. I am not justifying duelling; I am only stating those circumstances of extenuation, which are the only grounds that can justify a jury in dispensing with the letter of the law. You have to consider, therefore, gentlemen of the jury, whether this case has these circumstances of extenuation. You must here recall to your minds the words of the deceased, captain Boyd—"You have hurried me—I wanted to wait and have friends—Campbell, you are a bad

man." These words are very important; and if you deem them sufficiently proved, they certainly do away all extenuation. If you think them proved, the prisoner is most clearly guilty of murder; the deceased will then have been hurried into the field; the contract of opposing life to life could not have been perfect. It is important, likewise, in this part of your consideration, that you should revert to the provocation, and to the evidence which stated, that the words were offensively spoken, so as not to be passed over; but that the affair would not have happened, if there had been a candid explanation. Gentlemen of the jury, you will consider these points, and make your verdict accordingly.

The jury then retired, and, after remaining about half an hour out of court, returned with their verdict —*Guilty of murder;* but recommended him to mercy.

Sentence of death was immediately passed on the unfortunate gentleman, and he was ordered for execution on the following Monday; but, in consequence of the recommendation of the jury, he was respited till Wednesday se'nnight. In the mean time, every effort was made by the friends of the unfortunate man, to procure the royal mercy. The grand jury of the county, and the jury who had found him guilty, presented petitions to the lord-lieutenant of Dublin.

Mrs. Campbell, his wife, immediately on hearing the verdict, set off post for Dublin; and, finding the packet had sailed, crossed the channel in an open boat, landed in safety at Holyhead, and arrived in London within twenty-eight hours. She then proceeded, without loss of time, to Windsor, and presented a memorial to the Queen, imploring her intercession in behalf of her husband, stating the circumstances of the duel, and detailing his services in the army. She continued incessant in her applications; on her knees she solicited, in the most pathetic terms, the intercession, not only of her majesty, but also of the princesses. She even went to Brighton, to wait on his royal highness the prince of Wales, who immediately wrote a note to the duke of Portland. This note Mrs. Campbell presented to his grace, who gave no hope that her application would be attended with success.

The respite expired on the 23d of August, and an order was sent from Dublin Castle to Armagh, for the

execution of the unfortunate gentleman on the 24th. His deportment, during the whole of the melancholy interval between his condemnation and the day of his execution, was manly, but penitent; such as became a christian towards his approaching dissolution. When he was informed that all efforts to procure a pardon had failed, he was only anxious for the immediate execution of the sentence. He had repeatedly implored that he might be shot; but as this was not suitable to the forms of the common law, his intreaties were, of course, unsuccessful.

During the absence of his wife, he was led out for execution, on Wednesday, the 24th of August. This spectacle was truly distressing, and tears and shrieks burst from several parts of the crowd. When the executioner approached to fix the cord, Major Campbell looked up to heaven. There was now the most profound silence; and the executioner seemed paralized whilst performing the last act of his duty.

MARTHA ALDEN,

FOR MURDER, 1807.

THIS case which excited considerable interest, came on at the Norfolk assizes, July 27, 1807, before sir Nash Grose, knight, when Martha Alden was capitally indicted for the wilful murder of her husband, Samuel Alden, of Attleburgh, Norfolk.

The first witness, *Edmund Draper*, stated that he knew the deceased Samuel Alden, the husband of the prisoner at the bar; that on Saturday, the 18th of July, he was in company with the deceased at the White Horse public-house, at Attleburgh; that the prisoner, who was present when witness and the deceased met, said to them she was going home with her child, and went away; witness sat drinking with Alden till nearly twelve o'clock, conversing with the wife of the publican; he then accompanied the deceased to his house, which lay in the way to his own home: witness stated, that he himself was perfectly sober at the time; that Alden however was just sober enough to walk; he staid at Alden's house about three minutes, during which time he noticed that there was a larger fire burning on the hearth in the kitchen

than was usual at that time of the year: he said Alden appeared in good health, and that no ill words passed between the deceased and the prisoner in his presence: he proceeded home in the direction of Thetford, and saw no one on the road. This witness described Alden's house to consist of a kitchen and bed-room both on the same floor, and separated from each other by a small narrow passage; he saw no one in the house except the prisoner, the deceased, and a little boy about seven years old.

Charles Hill, of Attleburgh, stated, that on the morning of Sunday, the 19th, he rose between two and three o'clock to go to Shelfanger-Hall, about ten miles from Attleburgh, to see his daughter. The morning being wet, he took the turnpike road, in the direction to Thetford, and passed by Alden's house, from which his own was only two furlongs distant. When he approached the house of the deceased, he saw the door open, and the prisoner standing within a few yards of the door: this was nearly at three o'clock in the morning. The prisoner accosted the witness, and the witness replied, "Martha, what the d——l are you up to at this time of the morning?" She said, she had been down to the pit in her garden for some water: the garden was on the opposite side of the road to the house: she also said, "she had not been long home from the town, (meaning Attleburgh town) where she had been at the White Horse: her husband and Draper, and herself, came home together, and her husband was gone back again, she did not know were." The witness did not go into the house; but, looking in, saw some old clothes lying in a heap next the hearth, which on his enquiring, she said covered her little boy, who was asleep there.

Sarah Leeder, widow, of Attleburgh, knew the prisoner at the bar: she stated, that on Monday night, the 20th of July, the prisoner came to her house to borrow a spade, for that a neighbour's sow had broken into her garden, and rooted up her potatoes; the witness lent her one, which was marked J. H. On the following evening (Tuesday, 21st,) about eleven o'clock, she went out of her house upon the common, and in a pit or pond, she saw something floating which attracted her attention, she went to the edge of the pond, and touched it with a stick, upon which it sunk and rose again; but she could not discover what it was, and went home for the night. The next morning (Wednesday 22d,) however, the witness returned to the spot, and again touched with a stick the substance, which still lay almost covered with water: she then, to her great terror, saw the two hands of a man appear, with the arms of a shirt stained with blood. She instantly concluded that a man had been thrown in there murdered, and calling to a lad to go and acquaint the neighbourhood of the circumstance, went back in great alarm to her own house. In a quarter of an hour she returned again to the pond, and found that in her absence the body had been taken out: she then knew it to be the body of Samuel Alden; his face was dreadfully chopped, and his head cut nearly off: the body was then put into a cart, and carried to the house of the deceased.

The witness afterwards went to look for her spade, and found it

standing by the side of a hole, which she described to look like a grave dug in the ditch which surrounds Alden's garden: she further stated, that this hole was open, not very deep, and that she saw blood spots near it. The witness then went into the house, and, entering the bed-room, saw the marks of blood on the bed's feet, and on the bed-tick: the wall, close against which the bed stood, was also stained with blood.

Edward Rush stated, that on Wednesday morning, the 22d of July, he searched the prisoner's residence: in a dark chamber he found a bill-hook, which, on examination, appeared to have blood on its handle, and also on the blade; but looked as if it had been washed.

William Parson, jun. of Attleburgh, stated, that on Sunday, the 19th of July, between six and seven in the morning, he met the prisoner with a young woman, named Mary Orvice, on the turnpike-road, not far from Alden's house; the prisoner told him she had lost her husband; that two men in sailors' dresses went past her house about two o'clock in the morning, and she had told them, if they overtook a man upon the road, to send him back; but that they only gave her an indifferent answer, and passed on. She expressed herself very unhappy about her husband, and feared that he was either murdered or drowned. On the following day he saw her again; she then said she had lost her husband, and that she had been above thirty miles that day to look for him. This witness further stated, that he was one of the persons who examined Alden's house and premises, on Wednesday, the 22d, and the two following days; his evidence on this point agreed with that of former witnesses, and substantiated some additional particulars, namely, that the chimney-board, on the opposite side of the room to the bed, was marked with blood stains, which bore the appearance of an attempt having been made to scrape them off with a knife; and that the wall of a narrow passage leading from the bed-room to the kitchen was in places discoloured with blood: he also found a sack upon the bed, with some spots of blood upon it, and a piece of another sack, which seemed to have been partly washed. In a shed adjoining the house, he likewise discovered another sack, concealed underneath nearly a hundred flags of turf.

Mary Orvice stated that she had been acquainted with the prisoner some time. The witness lives at her father's house, a short distance from the prisoner's dwelling. On Sunday, the 19th, the prisoner asked her to go with her to her house: when she got there, the prisoner said to her, "I have killed my husband;" and taking her into the bed-room, shewed her the body lying on the bed, quite dead; her account of the state and appearance of the room, perfectly coincided with the descriptions of former witnesses; she also said she saw a hook lying on the floor, bloody. The prisoner then produced a common corn-sack; and, at her request, the witness held it whilst the prisoner put the body into it; the prisoner then carried the body from the bed-room, through the passage and kitchen, out of the house, across the road to the ditch surrounding the garden, and left it there, after throwing some

mould over it. The witness then left the prisoner. On the following night, (the 20th,) between nine and ten o'clock, the witness was again in company with the prisoner, and saw her remove the body of her husband (who was a small man) from the ditch of the garden to the pit on the common, dragging it herself along the ground in the sack; and, when arrived at the pit, the prisoner shot the body into it out of the sack, which she afterwards carried away with her: the deceased had a shirt on.

On the prisoner being asked what she had to say in her defence, she told an incoherent story, which, however, seemed rather to aim at making the testimony of the last witness appear contradictory and suspicious, and to implicate her in the guilt of the transaction, than to deny the general charges which had been adduced against herself. The judge then summed up the evidence in a full and able manner: on the subject of Mary Orvice's testimony, his lordship remarked, that it certainly came under great suspicion, as being that of an accessary to the attempted concealment of the murder. Viewing it in that light, therefore, and taking it separately, it was to be received with extreme caution; but, if it should be found, in most material facts, to agree with and corroborate the successive statements of the other witnesses, whose declarations did not labour under those disadvantages, the jury were then to give it its due weight, and avail themselves of the information which it threw on the transaction.

The jury consulted together for a short time, and found the prisoner—*Guilty*. The judge, after a short address to the prisoner at the bar, proceeded to pass upon her the awful sentence of the law; which was, that on Friday, she should be drawn on a hurdle to the place of execution, there to be hanged by the neck till she was dead, and her body afterwards to be dissected.

The behaviour of the wretched woman during her trial, as well as before it, appeared in a lamentable degree to be influenced by a hardened and remorseless spirit. She afterwards confessed the crime for which she was to suffer. The account she gave of the horrible transaction was, that on Saturday night, the 18th of July, she and her husband (who was at the time intoxicated) quarrelled, and he threatened to beat her.

Alden soon after threw himself on the bed, and at that instant she formed the resolution of destroying him: accordingly, she ran into the adjoining room, returned with a bill-hook, which she held in both her hands, and striking him on the forehead, instantly killed him. She further acknowledged that the girl (Orvice) had no concern whatever in the murder, but only assisted, at her request, in putting the body of her husband into the sack.

On Friday, July 31, at twelve o'clock, this unhappy female was drawn upon a hurdle, and executed on the Castle-hill, pursuant to her sentence, in the presence of an immense concourse of spectators

JOSEPH POWELL,

A FORTUNE-TELLER,

Clerkenwell, October 31, 1807.

THE conviction of the defendant, as a rogue and vagabond, by Thomas Leach, Esq. being given in and read, Mr. Const, counsel for the prosecution, addressed the court on the case, and attempted to justify one Blair, the prosecutor, who with Powell, had been the butt of ridicule in the newspapers.

ANN MINTRIDGE sworn.

To whom are you servant?—Mr. Blair.—He is a surgeon living in Great Russell Street, Bloomsbury?—Yes.—Do you remember a paper being left at your master's house?—Yes.—By whom was it given to you?—By a match-woman.—Have you got that paper?—I have not.—What did you do with it?—I laid it on the sideboard in the passage.—Is that the paper you received?—Yes?

(It was read as follows:)

"SCIENTIAL INSTRUCTIONS.

"A. B. Professor of the Sideral Science, No. 5, Sutton Street, Soho Square, teaches Astrology and calculating Nativities, with the most precise accuracy, at 2*s.* 6*d.* per lesson.

"*Application to the courteous reader.*—Who will not praise and admire the glory of the sun and stars, and the frame of heaven, and not wish to know their influence and operations upon the earth? For fear of the ridicule of revilers and vilifiers of the science, who understand it not, and so deem it fraud and iniquity?

"Oh happy world! If they did not a hundred thousand times more hurt by the baits of pleasure, honour, pride, authority, arrogance, extortion, envy, covetousness, and cruelty! and there-

by make, or ruin themselves by grasping, and wantonness; and others by deception, craft, fraud, and villany! but that is gilded over, and so such pass for good respectable people. Some may start and rave at this, but who can confute the truth of it?

"Can any suppose that the stars, the celestial bodies, are designed for no other purpose than for us to look at heedlessly, as being of no worth, nor having any effect on us? Daily experience and the most learned of all ages have proved it, and testified it to us that they have, and in a great degree do, determine our fate; which I and all other professors have experienced and proved in thousands of different nativities. Who then, by means of such a noble inestimable science, would not wish for a precognition of the events of their most sanguine hopes and fears, which alternately alleviate or depress their minds? Is the praising and magnifying a work, a wrong to the workman? Is knowing, manifesting, and experiencing the power and operations of the created, wronging or dishonouring the Creator? Though this be a persecuted science, yet, happy world! what blest a state if nothing worse was practised in it! No letters, unless post paid, will be taken in."

THOMAS BARNES sworn.

You are servant to Mr. Blair, of Great Russell Street? Yes.—Did you go with that paper to the house of Powell? Yes, I did.—How long were you with him? About ten minutes.—I told him the age of the female I came to consult him about, and the time she was born, as near as I could.

(The Astrologer's Paper read, as follows:)

"*Born, Monday Sept.* 11, 1786, *half-past* 10, *night.*"

"Att this nativity the sign Cancer ascends the horizon the Moon Lady thereof—the planet the native is born under—She is applyin to the Body of Jupiter and best aspect of the Sun and Mercury, the planet Saturn is in great strength and in best aspect to Mars—this shews the Native to be of middle stature, fleshey round face, fair complection, good humoured, mild temper, and winning disposition, obliging, not injurious, gaining respect from those she converses with, also careful, industrious, and fortunate, and generally enjoying a good state of health, but subject to some pain, sickness or knawing of her stomach or Bowels, but not much prejudiced thereby. The State of the Sun and Mercury makes the Native fortunate in age.

"OF RICHES.

"For that blessed part there is no doubt but the Native will accumulate enough to make herself comfortable and happy, and have some to lay by, and that she will be encreasing in wealth gradually to her lives end. She will sometimes gain something by death, but the most gain will be by means of her industry and business; about her 24—36—and 48 years will be vere prosperous fortunate parts of her life, and the time of her settling in business is in her 24th year, possibly it may be before; her 27 and 28 years, will be very good happy successful years to her, and having some change in her business and affairs for the best, and so con-

time doing well; about 41 will be another time of advancement in circumstances and business and favour and gain by means of friends, but you will be rob'd at times by women.

"Of Marriage.

"From the position of the Significators thereof there is no doubt but what the Native will marry. The person she will have is rather tall. Slender, well-proportioned body, dark or black hair no clear complection, a long face, a most ingenious person, a good wit, a prying fancy, capable of attaining divers languages and rare accomplishments, he is of some light easy clean business and fortunate. The time for Marriage to take place is in her 22d or 23d year or not till her 27th year—about 7 years after marriage she will be dangerously ill.

"Of Children.

"From a fruitful sign ascending Venus in a fruitful sign and the Moon going to the Body of Jupiter there is no doubt but what the Native will have Children, it is likely for them to be vital, good and to do well.

"Of Travelling.

"It is likely for the Native to travel, and for travelling to be safe and agreeable—towards any part is good—but North East.

"The remaining part of this year will be mostly agreeable and successful to her."

That is what he delivered to you for your half-crown?—Yes, it was.—Then he was taken into custody?—Yes, he was.

Mr. *Mainwaring*. Mr. Powell, what have you to say for yourself?

Prisoner. I am exceedingly sorry for what I have done; I had no manner of ways or means to do for myself, and my *wife and child*: we were in the greatest distress; and I did not know what to do to support existence, until I could get work to earn a little money. I have now been promised constant employment; I have no objection at all to work; and I have many people to testify that I have worked for them. I have worked in gardens; I have cleaned house; I have cleaned windows; I have beat carpets; I have scoured rooms; I have done any thing I could get to do; but I could not get a living. I shall be much obliged to you if you can spare me this once; I will do any thing before I will do this again. But, if you had seen us in our distress, you would have pitied us. There are married respectable people who know the truth of what I say; there is one Mrs. Hills I have worked for, and cleaned house for her like a char-woman.

Mr. *Mainwaring*. What way of life were you brought up to?

Prisoner. Nothing: I was in gentleman's service; I offered to sweep the street after the dung cart; but they would not take me, because, they said, I was not able to stand the work. There is nothing I would not do for a livelihood. I hope your Worships will pardon me this time; I will never be driven to this by any distress whatever again: next month I shall have constant employment, which has been promised me. This is the real state of the case.

Mr. *Mainwaring*. The Court order this man to be committed for six months. Do not come here again; if you do, it will be the last time; for you will certainly be transported.

MARY BATEMAN,

FOR THE MURDER OF REBECCA PERIGO,

At the York Assizes, 1809.

MARY Bateman, to whose artful and villainous deceptions the credulous Rebecca Perigo fell a sacrifice, was born at Aisenby, in 1768. In 1780, she quitted her father's house, and became a servant in Thirsk. In that town and neighbourhood she lived in various places, and quitted them all under suspicious circumstances. She was employed as a mantua-maker, when John Bateman first became acquainted with her, in the year 1792, and after a courtship of three weeks, they were married.

Bateman, disgusted with his wife's vile practices, which were indiscriminately played off upon friend and foe—upon her husband and strangers, entered into the supplementary militia, but took with him his wife. In 1799, she quitted the army with her husband, and on their return to Leeds, they took up their residence in Marsh Lane, near Timble Bridge. Mary then began to practise on a large scale; she became a *fortune-teller* and a *charmer*, for the accommodation of love-sick girls, and nervous women. At this time, she made use of the name of Mrs. Moore, pretending that

she herself had no skill in casting nativities, or reading the stars, but Mrs. Moore was quite a proficient in this way, and to Mrs. Moore she referred all knotty points. It is hardly necessary to say, that Mrs. Moore was a fictitious name.

Her first experiment in witchcraft, was made upon a Mrs. Greenwood. She attempted to persuade this woman, that she was in danger, from domestic misfortunes, of committing suicide, and that *her* skill would be necessary to prevent so dire a catastrophe.

The family of Barzillai Stead, a person who had been unsuccessful in business, next became the object of her iniquitous exactions. Upon the husband's fears she contrived to work with so much success, by representing the bailiffs to be in continual pursuit of him, that she obliged him to enlist, and to share his bounty with her and her imaginary wise woman. Her next object was to arouse the jealousy of the wife: this she did, by assuring her that it was the intention of Barzillai to take with him, when he went to his regiment, a woman out of Vicar Lane, Leeds, who, as she said, was, at that time, pregnant by him. In order to prevent this calamity, it became necessary to *screw down* the rival queen: this was to be effected by the agency of Mrs. Moore, but Mrs. Moore's screws would never drive without money: three half-crowns were to be produced for this purpose, and two pieces of coal; the coals were to be placed at the woman's door, in Vicar Lane; they were then to be laid on the fire—the woman was to be thrown into a sound sleep—the fire was to communicate to her clean clothes, which had been washed in contemplation of the intended journey, and the clothes being consumed, she could not, of course, elope without them. The morning after this charm had taken effect, Stead left Leeds to join his regiment, and left the said Mrs. Moore behind him. She then was left at liberty to play off her frauds upon the unsuspecting wife of Stead; by which she obliged her to sell or pawn every article in her house that would raise money, and drove her to such a state of desperation, as to lead her victim to attempt the dreadful act of self-murder. While Mary Bateman was

practising upon this woman, her dupe was confined in child-birth, and the *Leeds Benevolent Society* found her in her destitute situation, and determined to apply a guinea to the relief of her present wants. This sum was given to her at three payments of 7s. each, and out of this guinea Mary Bateman actually extorted 18s.

While Bateman lived in this situation, she became acquainted with a tradesman's wife of the name of Cooper; she persuaded this woman that her husband, Mr. Cooper, was about to abscond, and to take with him all the property he could raise, and that she might not be left quite destitute, Mary prevailed upon her to convey as much of the furniture, as she could, out of the house, including an excellent clock, and to lodge all this furniture at Bateman's.

The wife of James Snowden, a neighbour, had a sort of presentiment that one of her children would be drowned. Mary Bateman offered her services, or, rather the services of Miss Blythe, to prevent the effect, and save the child from a watery grave. Miss Blythe was then represented to be at Thirsk, and a letter was received from her, directing that James Snowden's silver watch should be sewed up in the bed by Mary Bateman, which was accordingly done. Next, money to the amount of twelve guineas was required to prevent the dreadful disaster; for this purpose, letters were received, or, rather, appeared to be received from Miss Blythe, who directed that this money should also be sewed up in the bed, to be restored to the abused people, as was pretended, when the charm had taken effect.

At this critical conjuncture, Mary Bateman was apprehended for the frauds committed on William Perigo's family, and the wilful murder of Perigo's wife, by administering poison, of which she had died nearly two years before.

On March 17th, 1809, at the Lent Assizes for York, Mary Bateman was capitally indicted for the wilful murder of Rebecca Perigo, wife of William Perigo, residing in Bramley, near Leeds.

Mr. Williams opened the case.

Mr. John Hardy, recorder of the borough of Leeds,

addressed the jury, in a very candid and luminous speech; in which he observed, that he had to detail the circumstances of as extraordinary folly on the one hand, and of iniquity on the other, as ever came before a court of justice.

Mr. Hardy then proceeded to narrate the circumstances of the case, as they are stated in evidence. The prisoner at the bar contrived to plunder the poor family of Perigo of money to the amount of nearly 70l. and of clothes and furniture of considerable value; affecting all the time that this property should be restored These frauds, it would appear, were committed under the pretence of engaging a Miss Blythe, to relieve Perigo's wife from the effects of an "*evil wish*," under which she was supposed to labour; and, in order to carry on the delusion, and bring about the melancholy catastrophe, numerous letters, purporting to come from this Miss Blythe, were received. When, however, the appointed time for restoring the property arrived, certain poisonous drugs were, at the instance of the prisoner at the bar, and in one case by her own act, introduced into the food of Perigo and his wife, and from the eating of which she died, and he escaped death almost by a miracle. It appeared, also, that on the morning of the prisoner's apprehension, when, by appointment, she was to meet Perigo alone, a bottle, containing a poisonous mixture of the most deadly kind, was found in her possession.

Sarah Stead stated, that she lives at Leeds, where she had resided five years; knew William Perigo and his wife, who was her aunt, and who had resided at Bramley, near Leeds, as far as her memory extended. On Whitsuntide, 1806, she went to Bramley, to visit her aunt, who complained of a fluttering in her side, and which her aunt said, she had been informed, arose from having an "*evil wish*" laid upon her. Witness mentioned the prisoner as a person whom she thought could cure her; she did not then know her name, but she was acquainted with her person, and she then lived at the Black Dog Yard, at the Bank, in Leeds. Witness said, she called at the prisoner's house the same day, and told her she had been at Bramley, and had found her aunt very low and poorly, and that William Perigo had been to some country doctor, who told him his wife had an "*evil wish*" laid upon her. The prisoner told the witness, she knew a lady who could cure her aunt, but did not mention her name, or where she lived; said she would write to her, and would have an answer in a fortnight. William Perigo came to her on the Tuesday following, and she directed

him to the Black Dog Yard, Bank, there to enquire for Mary Bateman. When she, the witness, was at Mary Bateman's on Sunday night, she desired her to tell her aunt, to send a flannel petticoat, or any garment worn next to the skin, for her to send to the lady. Witness said, she was then servant to Mr. Skelton, of Leeds.

William Perigo stated, that he lived at Bramley, was, or rather had been a clothier, and was forty-eight years of age; that his wife's name was Rebecca Perigo; that he had been married twenty years to her, and that she was the same age as himself, within a month; that his wife had, in general, a very good state of health; had never been confined a week to her bed, on account of illness, since they were married. In the spring of 1803, his wife complained of a *flacking* in her breast, whenever she lay down; remembers his niece, Mary Stead, calling at his house, and that, in consequence of what she had told him, he went to the prisoner's house, taking with him the under garment of his wife; that he found the prisoner at the door of her house, and on enquiring for her, said she was the person. That this first meeting was at the latter end of July, 1803. Prisoner desired him to walk into the house, and asked him if he was Sarah Stead's uncle, and if he had brought the flannel petticoat, to which he replied in the affirmative. Prisoner then said she would send it to Scarborough, by that night's post, to a lady she called *Miss Blythe*, and he, the witness, was to call again on Tuesday or Wednesday following. The first meeting was on a Saturday. Accordingly, the witness went again to her house on the day appointed, when the prisoner informed him that she had received a letter from Miss Blythe, of Scarborough, *of what his wife was to do.* The prisoner then read the letter to him, which directed Mary Bateman to go to W. Perigo's house, at Bramley, and take with her four guinea notes, which she, Miss Blythe, had sent to her, and put them in the bed which Perigo and his wife slept in, one in each corner, and they were to remain there eighteen months, or they would do no good at all; and that William Perigo was to give her, the prisoner, four other guinea notes for them, which were to be sent to Miss Blythe, at Scarborough. The letter also stated, that his wife had broken the former charm by talking about it; and that she (Miss Blythe) would not take her under hand, unless she would make her a promise never to mention a word of what was going on. This letter, he said, was signed Miss Blythe. At this meeting, the prisoner agreed to meet the wife of the witness on Kirkstall Bridge, on the 4th of August; his wife went at the time appointed, to meet her, but did not see her, and in the absence of his wife Mary Bateman arrived. William Perigo went out to seek his wife, leaving the prisoner a considerable time in the house *alone*, [*which time she probably employed in making an inventory of his furniture.*] On the return of the witness and his wife, Mary Bateman said she was come to fulfil the directions of Miss Blythe's letter; that she had brought with her four guinea notes, which she gave into the hands of William Perigo, who examined them, and saw they were real guinea notes, and Wm. Perigo gave her four notes of the same value in return. Mary Bateman then proceeded, in the presence of William Perigo and his wife, to sew the notes, which were sup-

posed to come from Miss Blythe, in four small silk bags. Witness was sure the notes were put into these small bags, and his wife opened the bed-tick, and put in two of the silk bags, one in each corner, and he did the same with the two other bags, conformable to the directions of the letter. Witness said he accompanied the prisoner part of the way home, who told him to call occasionally at her house, when he came to Leeds, as there might be another letter from Miss Blythe. Witness proceeded to state, that in about a fortnight he received another letter from Miss Blythe, brought by the prisoner's son to his house. This letter was unsealed. The letter stated, that Mary Bateman would come in a few days to his house, and that he was to get two small pieces of iron made in the shape of a horse-shoe, but they were not to be made in the town of Bramley; that these horse-shoes were to be nailed on the door threshold by Mary Bateman, not with a hammer, but with the back part of a pair of pincers, which pincers were to be sent to Miss Blythe, to Scarborough. The prisoner came, in a few days, to execute these directions, and as William Perigo had not got the iron prepared, he went to Stainingley, a neighbouring village, and got them prepared during her stay, and, on his return, Mary Bateman nailed them on, in the manner directed by the letter, and W. Perigo carried the pincers to Leeds, to be sent by Mary Bateman to the place of their destination, where they were to remain until the expiration of the eighteen months. In a fortnight or three weeks, the witness received another letter, which came by the post-boy from Leeds, signed either M. Blythe or Miss Blythe, he could not say which, directed for Wm. Perigo, Bramley, near Leeds.

From December, 1806, to April, 1807, the witness paid to the prisoner various sums of money, amounting in the whole to about 70l.; and also delivered to her, during the same period, the following articles:—One goose—two pair of men's shoes—a goose pie—a tea caddy—several shirts—a counterpane—a piece of woollen cloth—a silk handkerchief—a silk shawl—a light-coloured gown skirt—a light-coloured cotton gown—two pillow slips—a new waistcoat—sixty pounds of butter—seven strokes of meal—six strokes of malt—a quantity of tea and sugar—two or three hundred eggs—a pair of worsted stockings—a pair of new shoes—a pair of black silk stockings—three yards of Knaresborough linen cloth—ten stones of malt—a piece of beef—three bottles of spirits—two table cloths—two barrels—two napkins.

For all the money so paid, he received a small bag sewed up, containing, as he supposed, a sum equal to that he had paid. For instance, if he paid Mary Bateman two guineas, he received a bag containing the same sum; if a guinea in gold, the same, &c. and that these bags were put into the bed, as they were received, with a strict injunction that they were not to be looked at until the expiration of the stipulated period, or it might kill them all.

In March, 1807, he received a letter, purporting (as all the letters did) to come from Miss Blythe, to the following effect:—

"MY DEAR FRIENDS,

"I will be obliged to you if you will let me have half a dozen

of your china, three silver spoons, half a pound of tea, two pounds of loaf sugar, and a tea-canister to put the tea in, or else it will not do—I durst not drink out of my own china. You must burn this with a candle."

About the beginning of April, 1807, he received the following letter, with the Scarborough post-mark:—

"MY DEAR FRIENDS,

"*I will be obliged to you, if you will buy me a camp bedstead, bed and bedding, a blanket, a pair of sheets, and a long bolster, must come from your house.*—You need not buy the best feathers, common ones will do.—I have laid on the floor for three nights, and I cannot lay on my own bed, *owing to the planets being so bad concerning your wife,* and I must have one of your buying, or it will not do.—You must bring down the china, the sugar, the caddy, the three silver spoons, and the tea, at the same time when you buy the bed, and pack them up altogether.—My brother's boat will be up in a day or two, and I will order my brother's boatman to call for them all, at Mary Bateman's, and you must give Mary Bateman one shilling for the boatman, and I will place it to your account. Your wife must burn this as soon as it is read, or it will not do."

In compliance with the directions of the above letter, he stated, that he purchased the articles therein-mentioned; that the prisoner went with him; that he bought the bed and bedstead, and furniture, &c. A set of china was also sent to Miss Blythe, and a tea-caddy, and a number of other articles, amounting, in the whole, to fifteen or sixteen pounds, eight pounds of which were paid for the bed.

The witness proceeded to state, that he received a letter, brought by the prisoner's boy, about the middle of April, 1807. This letter was to the following effect:—

"MY DEAR FRIENDS,

"I am sorry to tell you will take an illness in the month of May next, either one or both, but I think both, but the works of God must have its course—You will escape the chambers of the grave, though you seem to be dead, yet you will live—Your wife must take half a pound of honey down from Bramley to Mary Bateman's, at Leeds, and it must remain there till you go down yourself, and she will put in such like stuff as I have sent her from Scarborough to her, and she will put it in when you come down, and see her yourself, or it will not do. You must eat pudding for six days, and you must put in such like stuff as I have sent to Mary Bateman, from Scarbro', and she will give your wife it, but you must not begin to eat of this pudding until I let you know. If ever you find yourselves sickly, at any time, you must take each of you a teaspoonful of this honey. I will remit 20l. to you on the 20th day of May, and it will pay a little of what you owe—You must bring this down to Mary Bateman's, and burn it at her house, when you come down the next time."

Pursuant to the directions in this letter, witness stated, that his wife took the honey to Mary Bateman's, that when she returned she brought six powders with her; the witness went to Mary Bate-

man's house, and talked to her about the letter he had received, and said it was a *queerish* thing that Miss Blythe should be able to foresee that they should be ill; Mary Bateman said, she (Miss Blythe) knew every thing relating to him, but if they followed her directions, all would be well. The prisoner also told him that they were to do with the powders, each day, as they were marked, or it would kill them all. The prisoner then mixed a powder in the honey, in his presence, and he took the honey home. On the 5th of May, witness received another letter from Miss Blythe, which, after reading once or twice over, and copying a few lines from it, he afterwards destroyed; he said the copy he had taken was also destroyed. The witness was then desired to state the contents of this letter, which he recited, (as he did all the letters that had been destroyed,) from memory, as follows:

"MY DEAR FRIENDS,

"You must begin to eat pudding on the 11th of May, and you must put one of the powders in every day, as they are marked, for six days—and you must see it put in yourself every day, or else it will not do. If you find yourselves sickly at any time, you must have no doctor, for it will not do; and you must not let the boy that used to eat with you, eat that pudding for six days; and you must make only just as much as you can eat yourselves; if there is any left it will not do. You must keep the door fast, as much as possible, or you will be overcome by some enemy. Now, think on, and take my directions, or else it will kill us all. About the 25th of May, I will come to Leeds, and send for your wife to Mary Bateman's; your wife will take me by the hand and say, "Thank God that I ever found you out." It has pleased God to send me into the world, that I might destroy the works of darkness; I call them the works of darkness, because they are dark to you—now mind, that whatever I say, you do.—This letter must be burnt in straw, on the hearth, by your wife."

The witness proceeded to state, that in consequence of these directions, on the 11th of May, Monday, they began to eat of the pudding, a powder being put in each day, as marked on the paper, and that they found no particular taste in the pudding for five days. And that, on Saturday, the witness was coming to Leeds, without seeing the powder put in, when he recollected, that it was necessary that he should see it put in. Witness said his wife had made the pudding earlier than usual, for that purpose. Witness saw the powder put in, which was four or five times larger than any of the other powders. On his return from Leeds, about twenty minutes after twelve o'clock, his wife had prepared a small cake from some of the dough, which was left after making the pudding, which she broke in two pieces, and one of which he eat. Witness said the cake tasted very keen, and observed to his wife, if the pudding tasted as bad, he would not eat it. When the pudding was ready, he eat a single mouthful, but it was so nauseous, that he could no more of it; his wife, however, swallowed three or four mouthfuls, but was unable to eat more, and she carried the pudding into the cellar, and was there seized with the most violent vomitings. His wife said, this was the illness predicted by Miss

Blythe, and they should take the honey. Witness took two spoonfuls of it, and his wife took six or seven; this made them worse than before. The vomiting continued incessantly for twenty-four hours; his wife would not hear of a doctor being sent for, as that was contrary to Miss Blythe's directions, who had assured them that their sickness should not be unto death, and though they might seem to be dead, yet should they live, for that she was to destroy the works of darkness. Witness said, a violent heat came out of his mouth, which was very sore, that his lips were black, and that he had a most violent pain in his head, twenty times worse than a common head-ache; every thing appeared green to him. Witness had, also, a violent complaint in his bowels: he could eat nothing for several days, and began to get better only by hair-breadths. The witness then proceeded to detail the symptoms of his wife, which were similar to his own, but more violent; her tongue swelled so that she could not shut her mouth; she was constantly thirsty, entirely lost her strength, and expired on Sunday, the 24th of May. Before she died, he sent for Mr. Chorley, a surgeon from Leeds, but as she died before his arrival, a messenger was sent to acquaint him with this circumstance, and, therefore, he did not come.—His wife, before she died, made him promise not to be *rash* with Mary Bateman, but to wait the appointed time. Witness himself went to Mr. Chorley, on the day after the death of his wife; Mr. Chorley having examined him, and heard his account of the symptoms, expressed his opinion that he had received poison into his stomach. Witness said his wife was perfectly well, immediately before eating the pudding, on Saturday. By the directions of Mr. Chorley, a paste was made of the flour of which their pudding had been made from, and given to a fowl, but it received no injury, and the witness said it was alive to this day. A part of the fatal pudding was also given to a cat, which it poisoned.

Witness now went into a detail of transactions subsequent to the death of his wife. In the month of June, a short time after that event, the witness went to the prisoner's house, and acquainted her with the death of his wife, and told her, he was sorry they had not a doctor when they were sick, but they did according to the directions of the letter; Mary Bateman said, "Perhaps you did not lick up all the honey, as directed in the letter," and I said, "No, I am afraid that honey has done our job." Prisoner asked what he meant; he replied, "if they had not been directed to apply to the honey, that he should have got a doctor. Prisoner said he had made her very unhappy, and that, if he would bring the honey down, she would lick it up before his face, and satisfy him.

About the beginning of June, Perigo received a letter to the following effect, purporting to be from Miss Blythe.

"My dear Friend,

"I am sorry to tell you that your wife should touch of those things which I ordered her not, and for that reason it has caused her death; it had likened to have killed me at Scarborough, and Mary Bateman at Leeds, and you and all, and for this reason, she will rise from the grave, she will stroke your face with her right

hand, and you will lose the use of one side, but I will pray for you.—I would not have you go to any doctor, for it will not do. I would have you to eat and drink what you like, and you will be better. Now, my dear friend, take my directions,—do, and it will be better for you.—Pray God bless you. Amen, Amen. You must burn this letter immediately after it is read."

In October, he received the following:—

"MY DEAR FRIEND,

"I am sorry to tell you, that you should send me such a shabby gown as this, when I know you had better, for I want one to appear in company in at times; owing to the planets, concerning your wife's death, I will be obliged to you, if you will send me one of your wife's best gowns, a petticoat, or a skirt, which you please, and your family bible, for it is for me to sit upon in the coach, when I come from Buxton to Manchester, to meet you there, and I will let you know when you are to come; you must send the parcel down to Leeds, by the carrier, and an express officer's servant from Buxton, will send a woman for it, and he will enter it in at Leeds, and I shall get it safe."

The next demand was made in the following letter, received in the same month:—

"MY DEAR FRIEND,

"I will be obliged to you if you will let the old woman have a guinea and a half to buy a waggon of coals with, to warm my house, and they are to be bought at Mr. Fenton's, near Leeds, or else it will not do."

Another demand was made in October, in the following letter:—

"MY DEAR FRIEND,

"I will be obliged to you if you will let the old woman have one stone and a half of flour, four ounces of tea, a pound or two of sugar, and a quantity of eggs, and you must blow one of the eggs, and put a guinea note into the inside of the shell, it is for a particular use. I have sent this letter, in the inside of a box of clothes, to the old woman at my house."

Witness proceeded to relate, that on the 19th of October, 1808, he opened the bed in which all the bags were sewed up, and having opened the whole of them, he found no money whatever. In the bags, in which he expected to find guinea notes, he found only waste paper, and where he expected to find gold, he found only a halfpenny or a farthing. But the four silk bags, in which he saw four guinea notes put, he could not find at all, nor could he give any account how or where they were gone. Upon making this discovery, the witness went to Leeds, and saw Mary Bateman, and said to her, "I am sorry to think you should use me in this manner;" to which she replied, "How?" He then said, "I have opened the bags, and there is nothing in them but bits of lead, plain paper, bad halfpennys, and bad farthings," at which she did not seem at all surprised, but said, "you have opened them too soon;" he answered, "I think it is too late." He then said, he would come down to her house in the morning, with two or three

men, and have things settled. The prisoner begged that he would not, and said, if he would appoint a time and place to meet alone, she would satisfy him; to this the witness consented, and the Leeds and Liverpool Canal Bank, near the bridge, was fixed as the place of meeting. The witness was here asked, if he had, at the last meeting, given the prisoner any bottle; he said he had not. The witness then proceeded to state, that he met the prisoner the next morning, and that two persons accompanied him, who kept at some distance. When he saw the prisoner, he told her he had brought two persons with him. Prisoner then sat down upon a stone, and pretended to vomit, and said, "that bottle which you gave me yesterday night has almost poisoned me and my husband, who is ill in bed, in consequence of taking it:" then turning to a woman that was near, she said, "did not you see him give it to me?" But the woman walked away without speaking, and witness told the prisoner he would scorn to give a dog such a bottle as she had described; at this moment, Wm. Duffield, the chief constable, came up, and took the prisoner into custody. The witness went with Wm. Duffield to search the prisoner's house, when the following articles, being his property, were found: a camp-bed, a tea-caddy, a set of china, a barrel, and a piece of cloth, a gown and a gown-skirt, and a pair of pincers, two or three hat-boxes, and a fender, and part of a sack, in which some malt had been sent to her. Witness also stated, that he brought with him to Leeds, at the time the search was made, the honey-pot, which he took from the place where he had originally placed it; being apprehensive of its falling, he gave it to Joseph Stockdale, to bring with him; the honey was subsequently given by another witness to Mr. Chorley. On the conclusion of his examination, the prisoner asked several questions as to some money, which she stated to have paid for some of the articles found in his possession; but Wm. Perigo said, he had never received a single shilling for them. The prisoner also said, that she had never given his wife any powders, or him any honey. The judge asked Wm. Perigo, if he was certain of what he had advanced on these points, to whom he replied, "I'll abide by it while I live, and I will abide by it in another world for ever." The examination of Wm. Perigo occupied upwards of four hours.

Rose Howgate lives at Bramley, knew Rebecca Perigo very well, they were children together; she enjoyed a general good state of health. Witness went to William Perigo's house, about ten o'clock, on Saturday morning; his wife was then very well, and washing. Witness went in again in the afternoon, and found them both very sick, and vomiting; the colour of what came from them, was green and yellow, and very frothy. Witness, at this time, only staid to light a candle, but when in her own house, she heard them continue to vomit. On the following day, Sunday, witness went in again, and found them both very ill in bed. Wm. Perigo complained of a great heat coming from his mouth: Rebecca Perigo appeared to have the same symptoms, but more violent; her mouth was turning very black. She attempted to put her tongue out, but could it not, being so much swelled. Witness did not see them again until six or seven o'clock on Sunday even-

ing, when they were both in bed. William Perigo appeared to be in the same state he was in on Sunday night; his wife still continued to vomit; the colour of the matter was green and yellow, and was, as before, very frothy; she appeared to be worse than on Sunday, and complained of a very great heat and dryness; her tongue continued to be very much swelled. On Wednesday, William Perigo began to be somewhat better, but his wife grew worse and worse. On the Sunday following, saw Rebecca Perigo again; she appeared to have become worse; assisted to lift her out of bed, as she was unable to stand. Her mouth was exceedingly black, and her tongue was so much swelled that she could not close her teeth, and it was with great difficulty they could get any thing into her mouth. Her breath was very offensive. At noon, witness again visited her, and found that she was then dying; she expired in about ten minutes after she went in. Witness was present when the body was laid out, and said it was covered in every part with black and white spots, but particularly about the neck and stomach. After she was dead, a great quantity of froth came out of her mouth, and her body was so offensive, that every person about her was under the necessity of smoking. The lips of the deceased were exceedingly black.

Mary Perigo deposed to the same effect.

Rose Howgate and *John Rogerson* proved, that a part of the pudding, of which Perigo and his wife had eaten, was given to a cat, and produced its death; they also proved, that the cat vomited a green and yellow matter, and that three fowls having pecked a part of this matter, died the day following.

Mr. Thomas Chorley stated, that he had received from his assistant, Mr. Hammerton, a jar which he had in his possession ever since, and of the contents of which he gave the following account. He first tasted it; it was very acrid, styptic, and permanent upon the tongue; he then took a small quantity of it upon a clean knife, and rubbed it with his finger, when a change of colour immediately took place; further rubbing produced numerous globules of quicksilver, and the iron was blackened by it. The change of colour led him to suppose that it must be a mercurial composition, and having made a solution of it, and subjected it to a series of tests and experiments, it was his opinion, that the mixture in the pot did contain honey and corrosive sublimate of mercury. And in order more fully to satisfy himself, he made a mixture of corrosive sublimate and honey, which yielded the same result. A small part of the mixture in the honey-pot was made into pills, and given to a dog; the pills were washed down by a solution of the same; the dog began instantly to vomit, refused food, and died on the fourth day; on opening the dog, he found a high degree of inflammation. In answer to a question from the judge, he said, the corrosive sublimate of mercury had the appearance of a white powder, and it was a powerful poison. Witness then proceeded to state the contents of the bottle, which was found upon the prisoner when she was apprehended. The bottle and the different products from it were produced in court; it contained a liquid, which was a spirit, probably rum, and two powders, the lighter powder was like oatmeal, the other had all the specific qualities of arsenic, and was,

in fact, arsenic. Witness said, he had been in court during the whole time the symptoms of Rebecca Perigo's illness and death had been described by the different witnesses, and he was of opinion, from what he had heard related by them, that the symptoms were unequivocally the symptoms of poison, and that the deceased had died of poison.

The jury, after conferring for a moment, found the prisoner *Guilty*—and the Judge proceeded to pass sentence of death upon her.

The clerk of the arraigns now asked, "Mary Bateman, what have you to say, why immediate execution should not be awarded against you?" on which the prisoner pleaded, that she was twenty-two weeks gone with child. On this, the judge ordered the sheriff to impannel a jury of matrons; this order created a general consternation among the ladies, who hastened to quit the court, to prevent the execution of so painful an office being imposed upon them. His lordship, in consequence, ordered the doors to be closed, and, in about half an hour, twelve married women being impannelled, they were sworn in court, and charged to enquire, "whether the prisoner was with quick child?" The jury of matrons then retired with the prisoner, and on their return into court, delivered their verdict, which was, that "Mary Bateman was not with quick child." The execution, of course, was not respited, and she was remanded back to prison.

The moment when the executioner was preparing to finish this awful scene, the Ordinary again addressed the culprit, in a low tone of voice, enquiring if she had any communication to make, but she replied, she had not; she was innocent. The next moment terminated her existence, in this world, and her body, after hanging the usual time, was cut down, and sent to the General Infirmary, at Leeds, for dissection.

MR. WILLIAM COBBETT,

FOR LIBEL,

In the Court of King's Bench, June 15th, 1810.

THIS important case came on to be tried before the Right Hon. Lord Ellenborough, at Westminster Hall, for a libel inserted in "Cobbett's Political Register," published

in 1809. The panel being called over, the following were sworn of the jury:

Thomas Rhodes, Hampstead Road.
John Davis, Southampton Place, Ditto.
James Ellis, Tottenham Court Road.
John Richards, Bayswater.
Thomas Marsham, Baker Street.
Robert Heathcote, High Street, Mary-le-bone.
John Maude, York Place, Ditto.
George Baxter, Church Terrace, Pancras.
Thomas Taylor, Red Lion Square.
David Dean, 110, St. John's Street.
William Palmer, Upper Street, Islington.
Joseph West, (Talesman) was about to be sworn; but,

Mr. *Cobbett* objected to him, and he was withdrawn without assigning any challenge, on the consent of the Attorney General.

Henry Faver, (a Talesman) was then sworn, and made up the twelve.

Mr. *Cobbett* objected to him, as being a foreigner, but declaring himself to be a British born subject, Mr. Cobbett apologized for having been misinformed. The opening counsel having shortly stated the substance of the information,

The *Attorney General* then opened the case on behalf of the Crown. In 1798, Lord Castlereagh brought in his Bill, by which the Local Militia might be called out for twenty-eight days, though they had only been called out twenty days. When the Cambridgeshire militia was called out, some disaffected persons in the Isle of Ely, caused them to mutiny, and it was found necessary to call in the military in the neighbourhood, and five of the ringleaders were sentenced to receive five hundred lashes, part only of which they received. The German Legion, who were thus called in, is composed of a body of brave men, who, when Hanover was over-run, quitted their country, and entering into his Majesty's service, have conducted themselves with bravery, and it was no disparagement to the British army to say, that the German Legion have shared the glory with them. At the battle of Talavera, the German Legion took three standards. No troops had ever conducted themselves in a more quiet, orderly, and sober manner, and he could not find that any complaint had been made against them. Mr. War-

dle, in a motion in the House of Commons, had proposed to disband the German Legion, against which Mr. Huskisson offered sufficient reasons. A paragraph soon after appeared in the Courier, which he would read.

"The mutiny amongst the Local Militia, which broke out at Ely, was *fortunately* suppressed on Wednesday, by the arrival of four squadrons of the German Legion Cavalry, from Bury, under the command of General Auckland. Five of the ringleaders were tried by a court-martial, and *sentenced to receive 500 lashes each*, part of which *they received on Wednesday*, and a part was remitted. A *stoppage for their knapsacks* was the ground of complaint that excited this *mutinous* spirit, which occasioned the men to surround their officers, and demand what *they deemed* their arrears. The first division of the German Legion halted yesterday at Newmarket, on their return to Bury."

Courier Newspaper, Saturday, June 24, 1809.

With this paragraph, as a text to a sermon, had Mr. Cobbett headed his paper.

The *Attorney General* then read the alleged libel.

LOCAL MILITIA AND GERMAN LEGION.

See the motto, English reader! See the motto, and then do pray recollect all that has been said, about the way in which Buonaparte raises his soldiers. Well done, Lord Castlereagh! This is just what it was thought your plan would produce. Well said, Mr. Huskisson! It really was not without reason that you dwelt, with so much earnestness, upon the great utility of the foreign troops, whom Mr. Wardle appeared to think of no utility at all. Poor gentleman! he little imagined how a great genius might find useful employment for such troops. He little imagined that they might be made the means of compelling Englishmen to submit to that sort of *discipline*, which is so conducive to the producing in them a disposition to defend the country, at the risk of their lives. Let Mr. Wardle look at my motto, and then say, whether the German soldiers are of *no use*.---*Five hundred lashes each!*---Aye, that is right! Fog them; flog them; flog them!---They deserve it, and a great deal more. They deserve a flogging at every meal time. "Lash them daily, lash them daily." What, shall the rascals dare to *mutiny*, and that, too, when the German Legion is so near at hand! Lash them, lash them, lash them! They deserve it. O, yes; they merit a double-tailed cat. Base dogs! What, mutiny for the sake of *the price of a knapsack!* Lash them! Flog them! Base rascals! Mutiny for the price of a goat's skin; and, then, upon the appearance of the *German soldiers*, they take a flogging as quietly as so many trunks of trees! I do not know what sort of a place Ely is, but I really should like to know how the inhabitants looked one another in the face, while this scene was exhibiting in their town. I should like to have been

able to see their faces, and to hear their observations to each other, at the time. This occurrence at home, will, one would hope, teach *the loyal* a little caution in speaking of the means which Napoleon employs, (or, rather, which they say he employs) in order to get together and to discipline his conscripts. There is scarcely one of these loyal persons, who has not, at various times, cited the *handcuffings*, and other means of *force*, said to be used in drawing out the young men of France; there is scarcely one of the loyal, who has not cited these means as a proof, a complete proof, that the people of France *hate Napoleon and his government*, assist *with reluctance in his wars*, and would *fain see another revolution*. I hope, I say, that the loyal will, hereafter, be more cautious in drawing such conclusions, now that they see, that our "gallant defenders," not only require physical restraint, in certain cases, but even a little blood drawn from their backs, and that, too, with the aid and assistance of German troops. Yes, I hope the loyal will be a little more upon their guard, in drawing conclusions against Napoleon's popularity. At any rate, every time they do, in future, burst out in execration against the French, for suffering themselves to be "chained together, and forced, at the point of the bayonet, to do military duty," I shall just republish the passage which I have taken for a motto to the present sheet. I have heard of some other pretty little things of the sort; but, I rather choose to take my instance, (and a very complete one it is) from a public print, notoriously under the sway of the ministry.

The *Attorney General* charged against him, that he imputed tyranny, cruelty, and injustice against the government of the country; that he held out to them that the punishment was undeserved, and held them up to public scorn, for having been base-minded enough to submit to punishment. Whatever the author had to allege, he would be patiently heard. He had considered the paper attentively, and could give it no character but that which he had described it to be.

Mr. *Thomas Harvey* called to prove the libel.

Mr. *Cobbett* declared himself to be the sole proprietor and author of the paper. He admitted, also, that the paper was purchased at Mr. Budd's.

Mr. *Lukin* called to prove, that there were troops in the service called the German Legion.

Mr. *Cobbett* admitted that fact.

The libel was then again read.

Mr. *Cobbett* now addressing the Court, said, he should take up as little time as possible, doing to himself as much justice as he thought he deserved. In the whole world, there was not a man who had been more calumniated than himself (Mr. Cobbett), and, in the propagation of that calumny, he certainly did believe his

Majesty's ministers to be implicated. This was a question of intention, and, if they could believe him guilty of what was imputed to him, they must think him capable of any thing. Even in the very streets he was calumniated by placards. By one person, who had a pension of 200l. per annum, and which Lord Sidmouth had struck off, a calumny was asserted at the foot of a caricature, of a most outrageous nature. [Here Mr. Cobbett read it.] On seeing this, in which it was asserted, that he had, in 1793, received 4000l. for circulating a pamphlet against reform—feeling himself thus charged, he had written to Lord Sidmouth, from whom he had received a most candid answer. [Here Mr. Cobbett read a letter from Lord Sidmouth, contradicting the aspersion.]

Mr. Cobbett then adverted to a former prosecution in the Court of King's Bench, in which he had been prosecuted for the publication of a libel written by a Judge, who, however, now enjoyed a pension, and which, by the liberality of Mr. Perceval, was increased to 800l. per annum. He then adverted to a prosecution against him for a libel in America, on the trial for which, it appeared that the Spanish minister had contrived a plot to poison his Majesty's troops in America. Having suffered in his fortune in that cause so severely for his King and country, that very case had been ripped up, and brought against him on a former occasion by the Attorney General. He would now endeavour to refute the charge that had been specifically brought against him. The charge was, that he maliciously intended to excite disaffection, &c. The information stated him to do that, being an ill-disposed seditious person, and in hatred of his Majesty and his government—that is, he means to do injury to his country. But if they found him guilty, it must be on the principle that such was his intention. He begged their particular attention to this; for, in the intention, consisted the whole of this case. The Attorney General knew the whole paragraph to be satirical—a criticism on Lord Castlereagh's Bill, the mischief from which he had been very forward in anticipating. But, oh! says Lord Castlereagh, you cannot mean me, you must mean the King—"speaking of flogging, it can-

not mean me." Why, bye and bye, if a minister were pelted in the street with mud, we should be told the mud was thrown at the King, and not at the minister. There was nothing in the paper to affront the King. If the information had said, he had intended to attack Lord Castlereagh, he should admit the fact. The Attorney General had said, on a former occasion, that he did not meddle with writers for attacking ministers,—this was a mere attack upon ministers, and every body knew it. The forced construction on his words was obvious, he was ridiculing the measure, and in saying, "flog them," he meant nothing more than a ridicule of Lord Castlereagh's measure. Were we never to complain of soldiers being ill-treated? If we were to see a soldier flogged to death, was no tongue, no pen, to move in his defence? The object was, to cause the folly of the measure to be done away. A young fellow with a smock frock, sentenced to five hundred lashes for mutiny; but this was not a mutiny; a squabble about a marching guinea: he had told Lord Castlereagh, that by that measure he had just made these men soldiers enough to dislike labour, and yet not soldiers enough to cease to be labourers. He would read what Lord Grenville had said.

Lord *Ellenborough* interfered, he thought the reference to Parliament improper.

Mr. *Cobbett* continued—It was said by Mr. Whitbread, that the treatment of soldiers in the Duke of Cumberland's regiment, was as severe as ever, and even picketting in that regiment, although the practice had been discontinued in every other. But did Mr. Whitbread mean, by that, to bring his Majesty and his government into contempt?

[The *Attorney General* here interfered, and Lord Ellenborough said, that the allusion to what had passed in Parliament had no proper reference to the defendant's defence.]

Mr. *Cobbett* resumed—The man who meant to excite disaffection in the army, would not have taken such open measures as had been imputed—he would have proceeded more secretly and insidiously. The employment of the German troops was that circumstance which had excited his indignation; to see those

foreigners brought to superintend, or, perhaps, inflict the punishment on the misled young men, who had been concerned in the squabble at Ely, excited his indignation more than the punishment itself. Our ancestors had always disliked foreign troops; almost every body disliked them, and surely that dislike could not be construed into any thing Jacobinical. In 1628, the Commons had remonstrated with Charles I. against the introduction of German horse.—[Here Mr. Cobbett read the passage.] Those sentiments, contained in that protest, were his (Mr. C.'s) sentiments, and the conduct of the German troops, within his own observation, had strengthened that opinion.—[Mr. Cobbett then read another passage, from a debate on the appointment of foreign officers, in the reign of William III.]

There were no fewer than four or five German generals, who commanded even English generals. Since the year 1786, this force had increased from 24 to 34,000 men. We had 34,124 foreigners, four generals, four lieutenant-generals, and nineteen colonels. There was also a Frenchman, of the name of Montalambert, on the staff in Sussex, and two Frenchmen at a dock-yard in Wales—that was directly against law. Both the Acts of Parliaments by which German troops are allowed to be in England, were, in truth, merely Acts of Indemnity, for the declaration of rights, and other statutes, had declared the holding places of trust, either civil or military, illegal. There were no less than 773 German officers in our service, and, including foreigners of other nations, there were 1509 foreign officers in our pay. Of the number of foreign troops in our service, not more than 4 or 5000 men had been enlisted in this country—many of the 34,000 had been even enlisted in Spain—taken out of prison there, having been in Dupont's army?—Why, then, were these men brought to superintend the lashing the backs of his own countrymen? It had been asserted, that the German troops had behaved bravely at Talavera,—that he knew to be the contrary of the fact; he had a letter from an officer of horse artillery, Lieutenant Frederick Reed, to an officer high in government, in the office of Ordnance, in which it was asserted, that from the cow-

ardice of the German Legion, some English regiments would have been cut off, if the 29th had not come to their assistance. This was confirmed to him by several officers who had slept at his house at Botley, after their arrival in England. A German officer, of the name of Landreth, had, indeed, seized a standard, and endeavoured to rally his countrymen, but it was found impossible. With respect to their conduct in quarters, he was himself able to form some estimate, as he lived in the neighbourhood where they were quartered. But he would first read a document, which would shew what had been their conduct even in Germany. (Mr. Cobbett then read a letter from the Archduke Charles, to the Duke of Brunswick Oels, reprobating the excesses, committed by his corps in Saxony.) These were the very men now in our pay. On their landing in England, they were quartered in the Isle of Wight, where they committed every species of brutal excess—from whence they were sent to Ireland, on account of their enormities. They had even been accused of committing murders. A landlord, who refused them liquor, had been attacked by them with swords, in his own bar, in the most ferocious manner. And the terror of the inhabitants of Newport exceeded any thing that had been seen in this country. The Attorney General had, therefore, been grossly misinformed on the subject of their bravery and good conduct. Among those men, there might be good men, but they could not have the feelings of Englishmen. At Guadaloupe, the 60th regiment, we were told, had run away. The depôt of that regiment was at Lymington, and was filled up principally with foreigners, and vagabonds taken from our jails, whence they were shipped off to the 60th regiment, in the West Indies, where they had an opportunity of shewing their bravery—by running away. Under these impressions, he had written the article in question, and he trusted the jury would see that it could arise from no evil intention, but from the irritation of his feelings alone. Every advantage he possessed was prospective—all his prospects, his property, his publication, even the very trees he planted, all depended on the continuance of his Majesty's government; and that, therefore, it was impossible that

any man could impute to him an intention so stupid, so absurd, so senseless, as to wish for the overthrow of that government under which he lived.

The *Attorney General* thought Mr. Cobbett would have better consulted his interest, if, instead of the defence he had made, he had admitted, as the other defendants had, that he had published a libel, (by letting judgment go by default) instead of adding to it by the scandal he had uttered in his defence. He then accounted for the delay, by the distance of Mr. Cobbett's residence from town. Mr. Cobbett had urged, as a reason why he should not be prosecuted, that others had published worse libels than this, for which they had not been prosecuted. The wickedness of him who composes, and of him who prints, a libel, certainly bore no comparison,—and, except for deterring others, there was no reason for prosecuting a printer, unless it were for the purpose of getting at the author. Although men, who lend themselves to others, were, in such cases, guilty of a serious crime, there was, he repeated no comparison between the printer and the author. It would be of no consequence to any one, of what opinion Mr. Cobbett might be—but he, the Attorney General, would ask the jury, had Mr. Cobbett merely offered an opinion on this subject? He had introduced his opinion by stating, that the acts authorizing his Majesty to raise foreign troops, were mere acts of indemnity, but, in his defence, had contented himself with stating his own conduct and opinions, and concluded his argument by assuring the court and jury, that the libel was merely a mode of writing he had adopted, for pointing out the errors of Lord Castlereagh! but he would ask the jury, was there any thing like discussion in the paper? It must be remembered, that this paper appeared after a legislative measure had been passed, by which a military force had been embodied, and after a mutiny had taken place, for which punishment had been awarded, although part of that punishment had been remitted; the object, then, of Mr. Cobbett, must have been again to light up the flame of discord, by holding out that the German Legion was brought for the purpose of flogging our soldiers, who were forced into the army

by measures more tyrannical than those of Buonaparte. But his Lordship would tell them, whether the object of this paper was not to create general discontent, and defame and vilify those who had legally entered into the service of this country. (The Attorney General then read several of the passages from the libel, on each of which he animadverted.) He asked, what could Mr. Cobbett mean, but to reproach and taunt the local militia, for having submitted to be flogged? Did he not mean to ridicule them for being so dastardly?—Surely he did, and meant also to excite the people of Ely to rescue the soldiers from the punishment of the law. These men, who were punished, had surrounded and beset their officers, and being guilty of mutiny, were sentenced to a deserved punishment. But this mutiny Mr. Cobbett had treated very slightly, and his indignation had been powerfully excited, that in consequence of this trivial offence, this squabble, the German Legion should have been sent for to flog them. But that was not the fact; the German Legion had been sent for to suppress, in the first instance, a most dangerous mutiny, and eventually to oblige the mutineers to submit to the decision of the law, by which they were awarded punishment. Mr. Cobbett did not even allow it to be a mutiny, but merely a little disorderly conduct; a squabble about the marching guinea. The question before the court and jury was not on the merits or demerits of the German Legion; the question for the jury to decide was, whether that mischievous paper which had been read, had it not in view to hold up those brave men to obloquy and contempt, and to excite in the minds of the military, disobedience and resistance, and in those of the people at large of this country, a disposition to discontent and disaffection.

Lord *Ellenborough* then proceeded with a recapitulation of the material parts of the alleged libel, in which he observed, that the question for the jury to consider, was, whether the mischief ascribed to this publication was fairly ascribable to it, and whether it was of the noxious tendency imputed to it. If that publication imported mischief, the jury was bound to conceive that mischief was intended. This was the cor-

rect and legal rule as to intention. The publication before the jury was not, it must be seen, one random expression, liable to be indiscreetly written in a hurry, but a continuity of terms, and it was their province to decide, whether such a publication had, or could have any but one purpose. (Here the learned Lord read a passage from the libel, referring to the contrast of Mr. Wardle's opinion with that of Mr. Huskisson, with respect to the employment of foreign troops, and the use they were meant for in this country, namely, for the infliction of punishment upon the British soldiers, and pointed the attention of the jury to this passage, if any doubts existed in their mind.) If any thing were wanted by way of explanation, in order to enable them to collect the defendant's real meaning in this passage, it was only necessary to refer to the following expression of his own, towards the close of his defence,—"I should not have said so much of these Germans, if they had not been brought into this country to flog the backs of my own countrymen." But could the purpose of the defendant be deemed, for a moment, ambiguous. The repeating, so frequently and emphatically, the words "flog them, flog them;" could he mean it as an advice to the officers, to urge a repetition of the punishment, or as an exhortation to the men, to induce them to submit to it? No; the meaning was clearly this, that if these militia men endured punishment,—that if they suffered themselves to be punished with arms in their hands, with which they might make resistance, they richly deserved that punishment, however severe it might be. Now, as to the defendant's address to the inhabitants of Ely, did not this address appear to imply an imputation or reproach upon the inhabitants, for having passively witnessed the punishments alluded to? What else could it mean? The defendant had not, he observed, touched upon this point, in the course of his defence, but he had endeavoured to defend the whole article, by stating, that it was merely a composition of bad taste—that it was only defective in style. Was this, however, the only fault attributable to it? Was this the only inference to be drawn from it? Did it not betray a bad moral and political feeling; and was not its evident purpose

to excite the soldiery against each other, and to excite the people against ministers—against the whole government and constitution, under whose laws and orders the punishments referred to had been inflicted? "According to law," said his Lordship, "it is my duty to state to you my opinion, upon any case submitted for your consideration. When I have doubts, I never decline to communicate those doubts, and when I differ in opinion from the prosecution, I have not hesitated to state that difference; but, upon this occasion, I must say, that I feel no such doubt or difference, it being the confident certainty and full conviction of my mind, that this is a most seditious libel."

The jury, after consulting for about two minutes, returned a verdict of *Guilty*.

On the 5th of July following, the Attorney General moved for the judgment of the court on Mr. Cobbett, and Messrs. Hansard, Bagshaw, and Budd, as printer, and publishers and vendors, of the libel, when affidavits were put in on the part of the printer and publishers, stating, that they printed and sold the work containing the libel, in the ordinary course of their business. On July 9th, they were again brought up, when Mr. Justice Grose addressing himself to Mr. Cobbett, informed him that he stood there to receive judgment, for having written, and given to the world, a very seditious and mischievous libel, tending to produce mutiny among our soldiers, by instilling into their minds, that they were treated with unnecessary and unbecoming severity. The libel had been submitted to the consideration of a jury of his fellow subjects, who had expressed their opinion of its tendency by pronouncing a verdict of guilty. A publication more nearly allied to high treason, he had never witnessed, and the consequences which might have been produced by so inflammatory and dangerous a production could not be contemplated without horror. That it was the intention of the person at the bar, to whom he now addressed himself, that it should produce such consequences, he should not say, but such must strike every one as their obvious tendency. In mitigation, he had offered nothing. The obvious inference from which was, that he had nothing in mitigation which

he could offer.—Considering the mischievous nature of the publication, the consequences which were likely to have resulted from it, and the peculiar period of time at which the publication had been brought forward, the sentence of the court upon him, William Cobbett, was,

"*That he do pay to the King a fine of* 1000*l.—be imprisoned in the jail of Newgate for the space of two years; that he do then enter into recognizances to keep the peace for seven years, himself in* 3000*l. and two sureties in* 1000*l. each, and that he be further imprisoned till such fine be paid and sureties found.*"

Addressing himself to the other three defendants, the learned judge observed, that their guilt was greatly less than that of the author and principal in the offence. They had also evinced their sorrow for the crime they had committed, by allowing judgment to go against them by default. Of these three, the offence of Hansard was the greatest, and though the guilt of them all was infinitely less than that of Mr. Cobbett, their guilt was not done away by the aggravated nature of his offence. It was no answer for them to say, that they did not know the contents of the publication. It is the bounden duty of persons concerned in publications, to know that they are responsible for the contents of these publications. In the circumstances of each particular case, the sentence of the court was,

"*That the defendant, T. C. Hansard, be committed to the custody of the Marshal of the Marshalsea of that Court, for the space of three calendar months, and at the expiration of that time, do enter into recognizances to keep the peace for three years, himself in* 400*l. and two sureties in* 200*l.*"

And that the other two defendants, Richard Bagshaw and John Budd,

"*Be committed to the custody of the Marshal of the Marshalsea of that Court for the space of two calendar months, and be then discharged.*"

MESSRS. LAMBERT AND PERRY,

FOR LIBEL,

IN THE COURT OF KING'S BENCH, Feb. 24, 1810.

THE following were the names of the jury sworn:—

William Lewis, Esq., Charles Jones, Esq., James Heath, Esq., Thomas Jeffries, Esq., Thomas Wright, Esq., George Parkinson, Esq., John Irwin, Esq., Henry Woodgate, Esq.,—Talesmen, Mr. John Horsman, Mr. John Brown, Mr. Thomas Swift, Mr. Isaac Ayres.

Mr. *Richardson* opened the pleadings in this case, which was an information for a libel on the person of the king.

The *Attorney-general* followed on the same side. He had felt it his duty to file an information in this case against Mr. Lambert, the printer and publisher, and Mr. Perry, the proprietor, of The Morning Chronicle, for a paragraph which appeared in that paper, published on the 2d of October last, containing a libel against the person of his majesty. The publication was extremely short, and the jury could hardly miss the sense of it at a single reading. It was in these words—"What a crowd of blessings rush on one's mind that might be bestowed upon the country in the event of a total change of system." So far the publication was political, and, therefore, though he could not agree with the defendants in their idea of the benefits to be derived from a total change of system, he did not feel himself entitled, consistently, to quarrel with them for their opinions. The paper, however, then proceeded thus:—"of all the Monarchs, indeed, since the revolution, the successor of George the Third will have the finest opportunity of becoming nobly popular." The attorney-general said he had consumed more words than were necessary on this occasion. It was impossible to read the publication, and not declare it to be a libel.

The printing and proprietorship of the Morning Chronicle having been admitted by Mr. Lambert and Mr. Perry, Mr. Attorney-general desired that the paragraph in The Morning Chronicle, of the 2d October last, as set forth in the record, might be read. It was read, and is as follows:—

"What a crowd of blessings rush upon one's mind, that might be bestowed upon the country in the event of a total change of system! Of all monarchs, indeed, since the revolution, the successor of George the Third will have the finest opportunity of becoming nobly popular."

Here Mr. *Attorney-general* said he closed his case.

Mr. *Perry* then stated, that there were some other passages in the same paper bearing upon the record, and tending to explain the meaning of the defendants in its publication, that he presumed he had a right to have read either now or in the course of his defence. And he respectfully applied to the court to know whether he was so entitled; which being granted, Mr. *Perry* said, he would take occasion to refer to the passages in the course of what he should have to offer in justification of his friend Mr. Lambert and himself.

Mr. *Perry* then addressed the jury, to the following purport:—

MY LORD, AND GENTLEMEN OF THE JURY,

If I had thought myself justified in a cause in which the record charges the other defendant and myself with an attempt to bring the sacred person of the king into disrepute, to apply to my counsel in the particular situation in which he stands (Mr. Jekyll, solicitor-general to his royal highness the prince of Wales), I am confident that the learned gentleman, and my other most able and esteemed counsel (Mr. Raine) would have arduously, honestly, and much more successfully than, I fear, I shall be able to do for myself, have defended Mr. Lambert and me this day. But I felt that I could not with propriety make the application; and neither the rules of this court, nor the rules of honour, that have always actuated my conduct, would permit me to overlook my engagement; and the respect which I bear for the honour, the talents, and the integrity of this bar will ever prevent me from going to other courts to look for assistance there.

But, gentlemen, I should not have ventured to present myself to your attention if there had been any thing in the cause of an intricate or of a complicated nature—if there had been any inuendoes to be disputed—any special pleading to be encountered—any question of law to be argued—any witnesses to be cross-questioned—or, indeed, any thing but a plain, naked, simple proposition, which it is only necessary for me to shew you, was innocently published. I am not come here with the impertinent design of attempting to make a speech, in which I should succeed in displaying my presumption and my folly—in which I should only more surely incur, because I should more richly deserve, the ridicule to which the man who pleads his own cause is always subject—and which, I assure you, I have myself suffered in no ordinary degree, even in the streets, from my friends, and from strangers, since my determination was known; and which in some instances would have affected my spirits, if any thing could have shaken the steady

purpose of my mind, when supported by the conscious rectitude of my heart. But there is nothing, gentlemen, that I mean to try so little as to captivate your understandings by the affectation of eloquence; that would, even if I had the gift or the practice of speaking, be out of place; since nothing can be more unseemly than for a person in my situation to usurp a province to which he does not belong: for after all, man is like a plant, which when transplanted into a soil foreign to its habits, will feel the change, will shrink into itself, will droop, will bend its head, until the mildness of the climate, and the cheering influence of the sun shall revivify and freshen whatever native vigour it may possess.

And, gentlemen, even with all the simplicity of the cause, and with the simplicity which it is my resolution to observe in treating it, I should not have come here if it had been of any kind of quality but what it is. If it had been a pretended libel on an individual, of which I trust I am also incapable, but which in an hour of negligence, or by accident, (for it could happen by no other means) had gained admittance, we should have suffered judgment to go by default; for we shall be ever as ready to acknowledge a fault as we are careful to avoid one. If it had been an attack only on the king's ministers, which I often assume the right to make, I should with confidence, and so would my inseparable co-adjutor and friend, Mr. Lambert, have left our vindication to the learned gentlemen who would have done us the honour to exert themselves in our protection; but when it is charged on the record, that we had "unlawfully, wickedly, and maliciously, devised and intended to bring his Majesty's sacred person into great and public hatred and contempt"—we feel that nothing can deliver us from the horror of such a charge but by exposing ourselves fairly to you, in the face of our country, that you may observe, examine, and try us with all the intelligence, all the acuteness, and all the authority that belong to you in this public tribunal.—Oh, that you had the power of God, as you have the power of the country, to look into our breasts, and to search our hearts, to see whether there lurks in any part of the bosom of either, any dark, malignant, traitorous feeling, that would dispose us to use, if we could with safety, the powerful instrument in our hands to bring even into disrepute the sacred name of the sovereign, under whose beneficent reign I have myself lived during the whole period of my conscious existence! This divine power of truly searching the heart is not given to man; but it is something on our part to expose ourselves, nakedly, and alone, without guile, without aid, without counsel, to the critical observation and scrutiny, which twelve discerning men, freeholders of the county in which we live, interested in preserving the blessings we enjoy, skilful and experienced in the characters of their fellow-citizens, may feel it to be their duty, and may be able by their intelligence and penetration to detect, if the crime alleged against us be covered under the most artful disguise. Gentlemen, you will have, under the direction of the noble and learned judge on the bench, to exercise your faculties in discovering the mind and intention with which we published the words, charged on the record—by the whole tenor of our lives—from the sentiment and character of the paper that we publish—and particularly

from the contents of the paper in which the solitary paragraph complained of appears, and which, if you should have occasion to quit that box, you will receive, and will have an opportunity to read.

I am sure that after having looked at the context which the noble and learned lord has been so indulgent as to permit me to desire to be read in its proper place, you will be satisfied and convinced that the interpretation put upon it in the record, and still more in the speech of his Majesty's Attorney-general, is not the true sense, nor that which can be borne out by any fair, legitimate, or sound deduction.

Let me state, gentlemen of the jury, the record and the sense put upon it by the honourable and learned Attorney-general.

It charges Mr. Lambert the printer, and myself the proprietor of the Morning Chronicle, as "being seditious, malicious, ill-disposed persons, greatly disaffected to our present sovereign lord, George the Third, and to his administration of the government of this kingdom—And that we did, unlawfully, wickedly, and maliciously devising, designing, and intending, as much as in us lay, to bring our said lord the king and his administration of the government of this kingdom, and the persons employed by him in the administration of the government, into great and public hatred and contempt among all his liege subjects, and to alienate and withdraw from our said lord the king, the cordial love and affection, true and due obedience, fidelity and allegiance, of his subjects, publish, &c." This is the offence charged, and the words set forth in the record are the means we used—all the means—and nothing but the means, to accomplish these tremendous purposes.

Short as the paragraph is, it is divided into two parts or propositions, and his Majesty's Attorney-general has fairly, candidly, and ingenuously taken them separately, for the sake of distinction and accuracy.

He declares that he has been induced to lay this information *ex officio*, because the paragraph complained of, contains in his mind a direct attack upon his majesty's person; and that this is a thing so contrary to the fair, just, and full liberty of the press, that with every respect for that sacred and inestimable privilege he could not, consistently with his duty, overlook this monstrous departure from it. Mr. Attorney-general then proceeds to explain what he means by, and what he conceives to be, the free and genuine liberty of the English press. He declares it to be the right of free discussion in print—the right of free, fair, and full enquiry into the administration of public affairs—into the conduct of public men in the administration of public affairs—and generally and freely into the written and printed discussion of all matters, topics, and things connected with and contributory to the state and happiness of man in society—provided always that such discussion shall be kept within the bounds of temperance and morality? and he solemnly and honourably declares, which I firmly believe, that he would oppose any endeavours that should be made to control it, for to that liberty, and to the noble exercise of it, we are indebted for every blessing that our forefathers obtained, and for the preservation of these blessings to the present day.

Gentlemen, I subscribe to the definition of his majesty's attorney-general. I accept of it as of all that I desire—In my own name and in that of all the journalists of England, I accept of and recognize the boundaries which he has stated for the liberty of the press. It is a scope sufficient for every good purpose of legitimate freedom—sufficient to admit of a vigilant and unequivocal censure of mal-administration, and of incapable, indolent, misguided or corrupt ministers; to exercise a free spirit of enquiry on every subject of religion, science, and morals, that can interest a people living under a constitution of freedom, and desirous of perpetuating the blessings they enjoy. Oh! that the same freedom of the press were extended to every part and portion of the inhabited globe! We should then hear no more of a people sitting supine while their government is attacked—of ancient monarchies being overthrown, or of new tyrannies being triumphant!

The learned gentleman handsomely and properly follows up this definition by an acknowledgment which saves me this day some trouble, and saves the court and you some time, for he at once admits that the first branch of the text which forms a part of the record, is within the scope of the liberty which he thinks legitimate. I thank him for the fair and candid concession. It is worthy of the high and distinguished situation which he holds; and becoming an honourable and constitutional lawyer. He fairly admits that to say "a crowd of blessings might flow from a total change of system" is fair, because, though it is not his opinion, it may be honestly mine. And if upon an examination and review of the measures of the king's ministers, or of any department of his administration, a writer shall see cause for animadversion and censure, he thinks it within the fair and just precincts of freedom that he should publish his thoughts. He, therefore, does not ascribe to this branch of the sentence the epithets that are upon the record. He does not certainly think of his majesty's ministers as it appears that I think of them, but he gives me credit for a fair difference of opinion, and for honestly thinking what I have openly said. How the learned gentleman with the conviction on his mind, of the innocence of this branch of the sentence could yet put it on the record, and apply to it all the severe epithets of charge that stand against us, it is for him to explain. It is not possible for me to divine the cause, unless the learned gentleman should think this branch of the sentence necessary to introduce the second, as tending to its explanation.

But, gentlemen, I thank him for exempting me from the necessity of shewing you what I meant by a change of system. It would have become me to have shown you, who are loyal subjects of your sovereign, that by a change of system I did not mean a change in the frame of our constitution or of our government—God forbid!—and even the most suspected part of the sentence would protect me from that charge, because it speaks of the regular descent of the monarchy to a legitimate successor; but I am relieved at once and for ever from all anxiety, and from all doubt upon this point; and I should be in a most perilous situation indeed, if it were otherways, for instead of my being able to ad-

duce the uniform tenor and practice of my life, to justify me from the imputation cast upon me for the last branch of the sentence; my whole life would be an almost uninterrupted series of transgressions under the first.

For, gentlemen of the jury, I do differ with the honourable and learned gentleman as to the character of the administration, and as often and as long as I have seen the administration of his majesty's affairs in such hands, and so conducted, I have felt it my duty to say, that a total change of system would bestow a crowd of blessings on his majesty and on his people. It has been my creed—it has been my invariable object, to state and to instil it into the minds of my fellow-subjects; and happy would it have been for us all, if I had been as successful as I have been industrious! For, gentlemen, I have done it daily—three hundred and thirteen times a year—for three and thirty years of my life have I proclaimed, that a change of system would bestow a crowd of blessings on the country. It was clearly and perfectly known what I meant by a change of system—that I meant a change of measures, together, undoubtedly, with a change of men, as a security to the country for a change of measures—and that the phrase meant no more, than to impress upon the public mind this great, undeniable Whig doctrine, that the true magnificence, solidity, and power of the British Throne required that the free choice of the king in the appointment of his government should be strengthened by the opinion and confidence of his people. Now, in the whole of the eventful period of my political life (into which there have been crowded more vicissitudes of human fortune—more awful admonitions to princes—and more important lessons to mankind, than ever were known in any other portion of time,) there never was one when the truth of the above maxim could be proclaimed with a more seasonable, a more lively, or a more urgent interest, than on Monday, the 2d day of October last, the day laid in the record for the offence.

But the learned gentleman says, most generously, that he does not quarrel with me as to my opinion of his majesty's present ministers, and as to my wish for a change of system—nor as to my idea of the blessings that would flow from it. It may be my opinion, though it is not his—but that which he complains of is the time that I hold out to the country as the only period when they may hope to enjoy the blessings that would flow from such a change—and he says that I mean to insinuate that no such hope can be entertained during the life of his present majesty—but that I proceed to state it may be expected from the successor of George the Third. Having conjured up this phantom of an insinuation, he very properly dresses it in the garb of terror to affright your loyalty, and to impress upon your minds the most horrible images of civil discord—of the links of love that bind the sovereign to the people and the people to the sovereign being broken—and that the country is to be condemned to anarchy, because the king's life is set up between them and their hopes of happiness! All this is dreadful—but where does the learned gentleman find all this? Not in the record, for there is not an inuendo to that effect. It is

really hard upon Mr. Lambert and myself that the attorney-general should acquit us of what he finds upon his own record, and then charge us with an insinuation that is not to be found there. Whence does he draw the inference that he now puts upon the phrase? Not from the simple words, for they contain no such meaning—and not from the context, as I shall have the honour to shew you when I call your attention to the passages in the same paper, which the noble and learned lord permits me to call for and put in as part of my defence.

But first, gentlemen, give me leave to call back your recollection to the period of time, and to the very curious and interesting circumstances at the time of this publication. Gentlemen, it was immediateley after the failure of our most notable and most calamitous expedition to Walcheren, when almost every family in this kingdom were covered with sorrow at the woeful certainty of the loss of a husband, a son, a brother, or a friend, or with the still more agonizing apprehensions of the loss which they dreaded every post would bring them—Not losses from the fate of battle, where death even to those that are nearest in blood to the sufferer, brings with it the consolation of the glory that shines over the grave, but losses from the most cruel neglect of means by which they might have been avoided. It was when the cabals and distractions of the king's cabinet had broken out, after private treachery, into the scandal of public duelling—It was on the total disorganization of the king's government, when humbled and mortified into a just but temporary sense of their own incapacity, they had made a proposition to two great and illustrious statesmen to support their tottering fabric. Gentlemen, this paragraph made its appearance on the very day when the first faithful narrative of that overture to a negotiation was communicated to the public through the medium of the Morning Chronicle.

It fortunately happens to my friend and me, that there will be found in the columns of the same identical paper, ample proof of the mind and intention with which the paragraph on the record was inserted—for you will please to observe, that we are not charged with the writing of it. That is no part of the imputation, for, in point of fact, it was a paragraph copied from another journal, which is the uniform practice of all editors, when they see any thing that coincides with, or serves to corroborate their own sentiments, or that puts an idea in a new light. We are not striving to shelter ourselves from our direct responsibility for every part of the paper, written or copied, by this statement, but to account to you for a distinction which you may observe in the manner in which the passages that I shall refer you to, and this paragraph, are presented to the public eye. It is no more than a distinction which belongs to the mechanic part of the composition of a newspaper. That which is our own, or that which is new—that which is important, or that which is peculiar to ourselves we display in space, or in a different character from that which is borrowed, and that which may be in every other paper as well as our own.

Now, Gentlemen, let me beg of you to attend to the immediate cause and reason of the appearance of the paragraph complained

of in my paper of the day mentioned. There is, as I said before, a full, temperate, and faithful narrative of the offer of negotiation which had been made by Mr. Perceval and lord Liverpool, to lord Grenville and lord Grey—and there is contained in that narrative a train of reasoning upon the terms of the overture that had been made, on the answers thereto, and on the result. Having prepared and digested this paper, and delivered it to Mr. Lambert for insertion in the Morning Chronicle, I met with this paragraph in a respectable and well-written Sunday paper (The Examiner,) and finding it to harmonize with the essay I had prepared—I took it as a fit and appropriate postscript; a just corollary from the foregoing propositions, and I directed it to be copied accordingly. I do not come here, therefore, to prate about negligence, or oversight, or creeping in by accident—No, I took it with my eyes open, in the morning, with my senses fresh, and with the entire approbation of my judgment as to its innocence. The first passage in the narrative, gentlemen, to which I would beg leave to draw his lordship's attention and yours, is in the second column of the second page, and is as follows:—

"Lord Grenville arrived in town on Thursday last, the 28th, at night, and, it is understood, that on the 29th he communicated to Mr. Perceval that he could not, consistently with his principles, have any interview, or enter into any discussion with him, with a view to his forming an ACCESSION to the present administration, as he considered their measures to be most objectionable in every respect, and he could never approve the principles of their formation. It is understood that when he said this, he begged to express his most invariable and profound sentiments of respect for his majesty; that his conduct and principles he trusted had always been calculated to *heal, not to foment the divisions of the empire*, but that he could not view what was proposed as tending to that end."

This will serve to shew you what was the feeling of the mind of that great and superior statesman, as to the character and tendency of the system to which he was invited to accede, and in which his declaration is distinctly stated, that his conduct and principles had always been calculated to heal, not to foment, the divisions of the empire, "but he could not view what was proposed as tending to that end." Upon this the narrative proceeds to reason, and the whole tendency, purport, and drift of the subsequent argument is to shew that by a different course of proceeding—namely, if the noble lords had been commanded to attend his majesty in person, there would have been an *immediate* prospect of a change of system that would have tended "to heal, not to foment, the divisions of the empire." And this is particularly expressed in the next passage, to which I beg leave to draw your notice—where it is said:

"If the question relates to prospective measures, whether of war, negotiation, commercial intercourse, or domestic economy. If in those great leading lines of government the conduct is to be directly the reverse of that which has been pursued, who shall represent to the sovereign the wisdom of the measures that are to be proposed, or the mischief of those that are to be abandoned? Are those whose aid are asked in the crisis and exigency of public

affairs, to be shut out from this communication; and is it to be intrusted to those who have a direct interest to give the representation a false colour, and, independent of interest, have views of the question calculated to mislead their judgment?"

So much for my meaning, as to the change of system, meaning a total change of measures only, but that that total change would bring a crowd of blessings in its train "immediately and of course."

Ah! but the period was to be postponed—No blessings till after the demise of our sovereign lord the king—and the crime of the charge is, that I postponed this happy period until that day which we all trust may be so distant. Read the paragraph which introduces that which speaks of the king, and of the heir apparent, together with that paragraph itself—and then see, gentlemen, what interpretation you will put upon my adopted paragraph. It is as follows:

"Awful as the crisis is, and arduous as the task would be, we may conclude from their principles and conduct (meaning the principles and conduct of lord Grenville and lord Grey)that they will be ready to devote themselves to the service of their king and country. But they cannot consistently with those principles, permit lord Liverpool and Mr. Perceval to be the persons to communicate their thoughts and views—a rule of action which we conceive to be most correct; not dictated by any narrow-minded principles of exclusion, but resting upon those sound and well considered views of the constitution, which ought to govern their conduct as statesmen in this most important and interesting matter.

"We ought to add to this statement, that his royal highness the prince of Wales has, upon this most curious and interesting occasion, taken a line which must exalt his character and endear him to his country. The sentiments of his royal highness on the awful crisis of the empire, and of the character of the measures which have led to that crisis, are not unknown. He feels on the subject like every other enlightened man, but more strongly, perhaps, because he has a deeper interest than any other person in its welfare: but, from some unfounded rumours respecting his interference in the arrangements which were in contemplation, the prince has thought it his duty to express to his majesty his firm and unalterable determination to preserve the same course of neutrality which he has maintained, and which, from every feeling of dutiful attachment to his majesty's person, from his reverence of the virtues, and from his confidence in the wisdom and solicitude of his royal father for the happiness of his people, he is sensible ought to be the course he should pursue. We have no doubt but that this assurance of the filial respect of the heir apparent, in not interposing his high influence in the forming of an administration, will be most acceptable to his majesty."

I pause here, gentlemen, and fairly put it to you, whether I might not safely leave my whole case, and that of my faithful friend, in your hands here, with this demonstration of my feelings, with this declaration of my opinion before you. Will any fair man say that I do not in this paragraph inculcate the duty of love and re-

verence for his majesty, by stating, not merely my own ideas of his royal virtues, of his wisdom, and paternal solicitude for the happiness of his people, but the opinion and feeling of the illustrious personage, the highest subject in his empire—the most interested next to himself in its welfare—and whose example of reverence and devotion was so well calculated to inspire confidence and attachment in every class of the community? Gentlemen, this paragraph, so expressing his royal highness's sense of his majesty's paternal wisdom and solicitude, I declare this day, in the presence of God and my country, I wrote, and that it expresses my own sentiments as one of his majesty's most humble subjects. I confess my astonishment that we should be brought here upon such a charge. And I have endeavoured in vain to find a reasonable justification for the law officers of the crown in this proceeding. I cannot bring myself to believe, that they acted on the hasty and intolerant animadversion that was made upon the text by a rival journalist the next day—an animadversion that was more than ordinarily coarse and violent; but I cannot help thinking, that the comment of the Morning Post has been officiously read, so as to make the impression in some quarter from which this prosecution originates; and that it is not the well considered result of an examination of the paper by the learned gentlemen themselves.

Here the attorney-general interrupted Mr. Perry, and appealed to the court. He said, that he had remained silent longer perhaps than he ought, and suffered the defendant to wander from the point at issue; but now that he was drawing into observation persons not in the cause, and not in court, and even naming them, he must interfere and say that he could not submit to the irregularity.

Lord Ellenborough said, that if Mr. Attorney General had seen reason to stop Mr. Perry before, he might have done so—if he had himself seen any material cause for interference, he certainly should have felt it his duty to have done so—although when a gentleman came into the court to speak for himself, they must not be fastidious if he did not entirely regulate himself by the established forms of their proceeding. Mr. Perry certainly must abstain from personal illusions.

Mr. *Perry* said, my lord, I respectfully submit to the rules of court, persuaded as I am that my ignorance of its forms will not be taken as a trespass; and that under your lordship's protection I shall not be unnecessarily narrowed in my defence. I was only endea-

vouring to find a motive to account for the prosecution, and I am perfectly sensible that their motives can be no justification of my conduct, if wrong.

Mr. *Perry* proceeded—Gentlemen, take the paragraph by itself, unconnected with the illustration which I have given, and see if it can be tortured into the meaning which is put upon it. It does not allege that the successor of our present sovereign lord is to be more popular, it states only, that he has the finest opportunity of becoming nobly popular. Can these words involve even the insinuation of disrespect to his Majesty's sacred person? May they not rather be fairly construed into a most courteous and royal compliment? Have I not a right to say that the duration of his Majesty's happy reign, the fiftieth anniversary of which we are now celebrating as a jubilee, has given the finest opportunity (of which the paragraph speaks) for the heir apparent to learn the means by which he may make himself nobly popular? Was there ever an heir apparent since the revolution—since the establishment of the Monarchy—since the beginning of the world, that did possess such opportunities as his royal highness the prince of Wales? Did ever prince study the art of government in such a school—or did ever prince undergo such a probation, as the length of his royal father's reign, and the fearful events which have passed under his eye, have afforded to his royal highness?

But, Gentlemen, I am able, fortunately, to shew you, by that which must be present to all your recollection, that at the time of the publication of the paragraph in question, there was a great topic of public interest in universal discussion, the nature and meaning of which you will discover in the context to which I have drawn your regard. At that time, Parliament was not sitting. Public agitation was at its height; the topic was in every mouth; and the Morning Chronicle was the field of discussion on one side, as rival journals were on the other. It was perfectly understood what was meant by the allusion of Lord Grenville to the principles which would tend *to heal, and not to foment the divisions of the empire.* I presume, my lord, I may be permitted to read, as a part of my speech, a paragraph to this effect, in direct answer to my article, from a paper which was published the day after?

Lord Ellenborough said, that if it was a paper published after the appearance of the paragraph in question, it certainly could not avail the defendants in shewing their mind or intention in the previous publication; and he informed Mr. Perry, that he could not draw any inference from any paper whatever, without putting it in and proving it regularly as evidence; in which case the prosecutor would have the power to adduce evidence to rebut it if he should think fit.

Mr. Perry. I thank you, my lord. Gentlemen of the jury, I am grateful to his lordship for the information by which your time will be saved, and by which I feel that I shall be served, for the paragraph I was going to read, might have led me into a train of reasoning, which I am sensible, upon reflection, it will be discreet

for me to avoid. Gentlemen, it is only necessary for me now to say, that not only from the paper of to-day, but from all that I ever published, I wish you to form your judgment of my intention on this one act. It is, in my opinion, from the whole body and tenor of a volume, that its tendency is to be taken, and a journal, though the numbers are published successively, is of the same character. You must look to the style, drift, and spirit, with which it is written, and the doctrine which it strives to inculcate. Gentlemen, try us by this most faithful, but most piercing test. More than thirty three years of my life have I been engaged either as the editor or proprietor of a public Journal—more than twenty years has my faithful friend laboured by my side, and that we are both destined to persevere in the labour may be owing to the integrity we have practised in it. In all that time, the present is the second instance in which we have had a trial in this or any court, on any charge of a criminal nature. And when you consider the *anomaly* that belongs to the avocation—that we are to be judged by a severer criterion than any other species of misdemeanor is subject to—that *we* are made answerable for the criminal acts of others—that it is a profession (if I may be allowed to call it by that term—I know that I have acted liberally in it) which requires daily and incessant toil—to be performed at an unseasonable hour of the night, after the fatigues and exhaustion of the day, sometimes after the indulgencies which man in society may be occasionally permitted—a profession subject to the arts which are too frequently practised to ensnare us in an unwary moment, or to beguile our vigilance—to partialities that may mislead the honest judgment, and to temptations that human frailty may feel it difficult to resist—it will be allowed that that honesty, that vigilance, that respect for morals must have been exemplary, which have so effectually secured us against the imputation of guilt.

Sixteen years ago, gentlemen of the jury, we were charged in this court with a libel on the king's government, by the publication of an address from the town of Derby. It was conducted by the noble and learned lord, who is now the lord chancellor of England. He did not lay the information himself, but he found it in his office, and felt it to be his duty to bring it on. The disorder of the times had given a most serious alarm, not to government only, but had distracted and divided the greatest political parties in the realm. It is not only painful, gentlemen, but disgusting to speak of ourselves, and nothing but the peril in which we stand here this day can justify my own feelings, to the breach of taste which I commit by a reference to the testimony borne by the two noble and learned lords, lord Eldon, who was the prosecutor, and Lord Erskine, who defended us, to our reputation at that time. Gentlemen, I will not trust my memory with the words, but will presume to read them from the authentic document taken in short hand at the time, and which was published in the form in which I now hold it in my hand.

Lord Ellenborough here begged Mr. Perry to stop; and, in a short address to the jury, he said that he had

his doubts whether, in a criminal prosecution of this kind, a defendant could refer to the documents and evidences of the former part of his life, as proofs by which his mind and intention in any subsequent act could be deduced. He knew that in cases of libel, as well, indeed, as in other cases even more serious, this sort of reference to anterior testimony had been claimed and allowed; but he confessed he had his doubts as to the propriety of such allowance. On the trial of Mr. Horne Tooke, for instance, on a charge of treason, he had claimed this right, and it had been granted by the judges who tried that indictment; but he was not prepared to say that he was of the same mind; though, of course, it was not necessary for him to say more than that if ever the case should come before him, it would become seriously his duty to consider whether such proof could be admitted. In the present case, Mr. Perry proposed only, he supposed, to read a passage or two from the report of the trial. If he meant to put it in as evidence, he thought it could not be admitted; but it was competent to Mr. Perry to allude to the declarations of those noble and learned lords, and he would of course have all the benefit of the allusion.

Mr. Perry thanked his lordship.—Gentlemen, I meant only to state to you in their own words, what I shall now only mention to you in substance. Lord Eldon said, that considering every individual as under his peculiar protection, he felt it to be his duty to acknowledge, that in no one instance before that time had we been brought to the bar of any Court to answer for any offence, either against government, or a private individual. And from all he had ever heard of the defendants, he believed us to be men incapable of wilfully publishing any slander on individuals, or of prostituting our paper to defamation or indecency. This was the declaration of Lord Eldon the prosecutor.

What we were then we are now. We never stood upon the floor of this or any other court of justice to receive its judgment, either for a public libel or a private calumny.

The *Attorney General* in reply, said, In whatever situation he should stand placed, he should be happy to give to every one that credit which was due to them; and however much it might surpass the expectations of the defendant, he should not find him, (the Attorney-General) less desirous of doing him justice than the noble lord had done. Persons who defended themselves were often brought into circumstances of great peril; but that was not the case in the present instance. The defendant had lamented the ab-

sence of a learned lord, a friend of theirs, of whose assistance he had formerly availed himself in that court. He should also regret the removal of that learned lord, had he not been called to fill a higher station. With the eulogium passed on that learned person by the defendant, he (the Attorney-General), and all who had witnessed his conduct in that court must agree. But the defendant certainly had not suffered by the absence of that learned lord, or of any advocate whatever. He had done himself ample justice, and had proved himself fully equal to the task he had assumed. Though a defendant who pleaded in his own cause was subject to inconveniences, there were also advantages which arose from the same circumstance, and there were irregularities which might be committed by persons in that situation, which it would not be worthy in counsel who opposed them to endeavour to correct. The defendant had admitted that he (the Attorney-General) had conceded to him as much of the liberty of the press as he wished to contend for. He surely did concede to the defendants the full and free discussion of public measures. But, he thought, that when the defendant had indulged in such liberal abuse of all those who filled high situations in the state, he had exceeded the bounds which would have been allowed to a counsel.

Lord Ellenborough could not say that the defendant had been indulged in any observations which would not have been permitted to an advocate.—If the Attorney-General had called the attention of the court to any thing irrelevant which the defendant was advancing, a check would have been put to it. But in the heat of argument, in such cases as the present, matters might have fallen, even from a counsel, not strictly applicable to the case, but which the court might not feel itself called on to check. Interruptions of the kind tended to derange the ideas of the speaker, and this must be still more applicable to a person not accustomed to address a jury.

The *Attorney-General* said, if his lordship had only heard him two sentences farther, he would not have interrupted him. He never meant that it was the duty of his lordship to have interrupted the defendant. All he meant to say was, that the defendant possessed advantages from the circumstance of pleading his own cause; that he had taken a degree of licence not justifiable; and that, because he was as to them a layman, if he might be allowed the expression, he (the Attorney-General) had not interposed. The defendant had gained his point; and he had shewn greater skill in managing it, than any man he had ever met with. The mode in which the defendant had introduced himself to the jury, was well calculated to interest them in his favour. A well affected simplicity, want of knowledge in the forms of proceeding, inability to do justice to his defence, joined to colourable reasons for not placing it in the hands of others, were well selected by the defendant for this purpose; and having in this manner interested the jury in his favour, he had been seen to bring to his aid, talents which did not fall to the common lot of man. The defendant wished that the jury could look into his mind, and see what passed

there. If the court who were to pass sentence on the defendants could do so, it would be fit that they should be governed by what they saw passing there. But what the jury were here to try was, if a paragraph, stating that certain blessings were to be obtained by the people of this country, but that the period of their attainment was not within the life of the reigning sovereign, but on the accession of his successor, and consequently that the period of the reign of the present sovereign must be interposed before they could be attained, was or was not a libel. If such was the meaning of the paragraph, was there any man so besotted as to deny that the tendency of it could only be to alienate the affections of the people from the reigning sovereign, and to teach them to look forward to the æra of his dissolution as the period at which those blessings were to be enjoyed. This, he must contend, was the fair inference to be drawn from the publication in question, notwithstanding the eloquence which had been displayed by the defendant in giving it a different interpretation.

It was impossible to read it, and not to say that it bore that a change of circumstances would bring blessings, but that the æra for their attainment was the accession of another sovereign, and that he would be nobly popular in the country. Could any man say, that the paragraph would bear any other interpretation? The time at which these blessings were to be expected, was the commencement of the reign of the next sovereign; the public were to look forward to that period, without hope or expectation of any of the promised blessings visiting them during the reign of his present majesty.

The defendant had also said, that there were other passages in the same paper which proved that he did not hold the sentiments here imputed to him.

He had no doubt his lordship would tell them that the paragraph could have no meaning but that which he had assigned to it; of course, it would be their duty to convict the defendants.

Lord Ellenborough then addressed the jury. The defendants were charged by the present information with publishing a libel, of an unlawful, wicked, and malicious nature, concerning the king and the administration of the affairs of the country, applying personally to his majesty. The paragraph was short, and the jury would thereby be the better able to attend to the words of it. They were these: "What a crowd of blessings rush upon one's mind, that might be bestowed upon the country in the event of a total change of system! Of all monarchs, indeed, since the revolution, the successor of George III. will have the finest opportunity of being nobly popular." The jury would apply their minds to the consideration of these words, and see whether they supported the charge. The defendant had given this interpretation to the paragraph, and to shew that he was innocent made reference to the context in the paper of the same day, from which it would appear that he meant not to disparage the sovereign, or to arraign the wisdom of his conduct. This paragraph, he contended, was to be viewed as part of the same article to which the attention of the jury was now called, and to be taken as if it had been incorpo-

rated in it. His lordship proceeded to read the particular passages alluded to, and observed, that if the paragraph charged on as being a libel had stood immediately under, or if it had been a continuation of the article in question, it must have had a considerable effect on the opinion of the jury, and even as it did stand, it was for them to determine if the paragraph charged as a libel could be supposed to have any reference to the sentiments of the writer or publisher, as expressed in the longer article.

The jury would consider, first, if they could take the paragraph in question as having reference to the more detailed article; and, if there was any thing improvident in the paragraph said to be a libel, what qualification it was entitled to receive from connecting it with the other article. The other, and most important for their consideration, was, What was the fair, candid, and honest interpretation which they found themselves called on to give to the paragraph itself. The article with which it was sought to connect the paragraph called in question, did not by any means shew that it was the wish of the writer of it to disparage his majesty. It was to be observed, however, that the paragraph forming the subject of the present prosecution, and which it was sought to connect with this article as a corollary, was removed to the distance of two columns from it. If the two had stood together, the one immediately following the other, the one must have been taken, in fairness, to throw light upon the other. The other question, therefore, was, What was the fair meaning of the paragraph, standing unconnected with any other article; and was it *per se* libellous? It stated that blessings might result from a change of system; but that it might fairly mean from a change of political system. By the word "total," it was obvious that the paragraph did not mean a subversion—a demolition of the government, because in the very next line it talks of our monarchs, and contemplates a succession of them. Now, that to say, that there would be blessings likely to result from a change of system, was a sentiment that might not be safely expressed, was a length that he did not feel himself prepared to go. A change of system might become necessary in consequence of error; error might be fairly imputed to any one. There was only one being to whom error was not imputable. His majesty, whom we all knew cordially wished the welfare of his subjects, might even from his excess of love for them, be led to take an erroneous view of the interests of his country. He was not prepared, therefore, to go the length of saying, that to state so, amounted to a disparagement of his majesty. If such charge could be shewn to have been made with a malicious view, it would be highly libellous; or if corruption, wilful fault, or any perverse evil motive were assigned, it would be clearly criminal; but there was no proof of any malice in the present case. The paragraph went on to state, not positively, that the successor to his present majesty would be nobly popular, but that he would have an opportunity of becoming so. What was the fair import of the paragraph, taken altogether, according to the fair sense and meaning of the words, neither giving them a mere comment, nor a harsher interpretation than they

seemed to require, it was for the jury to say—that duty properly belonged to them. Where two meanings might be affixed, it had been the practice in criminal cases, and particularly in libel, to take the more lenient; but now it was thought right to look only for the real meaning, whether the more lenient, or not. His lordship did not see any thing in this paragraph to induce him to go the length of saying, that it must be malicious. During part of any reign, and for a length of time there might have been an erroneous view of matters; and, to impute nothing but honest error, unconnected with crime, he was not prepared to say, was libellous. He should esteem himself acting too rashly to lay down such a doctrine. If the jury had no doubt, from a fair construction of the paragraph, that the words used were meant to calumniate his majesty, they would say so. But, if they thought themselves warranted in giving it a different interpretation, and were satisfied that it was not published with any such intention, they would find the defendants not guilty. His lordship alluded to a measure of Oliver Cromwell's, by which from a policy, thought wise at the time, but since found to be erroneous, the balance of power was thrown into the hands of France against Spain, an error which had been the foundation of the evils we had since experienced. There were many instances, where monarchs the most splendid, and who had contributed greatly to promote the blessings of their subjects, had also from an erroneous view of a particular subject, given effect to a system very different from what they had contemplated. He concluded by desiring the jury to apply their minds fairly to the consideration of the paragraph which was the subject of the prosecution, and according to their interpretation of its fair import, to pronounce their verdict.

The jury, after consulting for about two minutes, pronounced their verdict—*Not Guilty*.

A similar information which had been filed, and stood for trial, against the proprietors of the Examiner, for the insertion of the same paragraph, was withdrawn.

THE HON. ARTHUR WILLIAM HODGE,

at the Island of Tortola,

FOR THE MURDER OF HIS NEGRO SLAVE, PROSPER,

April 29th, 1811.

THIS gentleman was a proprietor, and one of the members of his majesty's council, in the Virgin Islands of Tortola; he entered the world with good prospects and advantages. He was a gentleman-commoner of Oriel col-

lege, Oxford. His estates were in the island of Tortola, which is not among the most civilized of our colonies.

There were seven indictments against him for wanton barbarity; and he was brought to trial on the first indictment, viz. for the murder of his slave Prosper, April 25th, 1811, which was adjourned to April 29. The prisoner on his trial pleaded not guilty.

Mr. *Lisle* addressed the jury in the following manner. In the present case, gentlemen, the prisoner at the bar stands charged with the horrid crime of murder! always horrid in itself, but how much more aggravated and shocking, when committed upon a poor, defenceless fellow-creature, who has not the means of resistance to effect self-preservation, but is debarred even the possibility of escape by flight from his barbarous murderer! Here, he who ought to have been the kind protector, the humane master, and merciful owner, exhibits neither of those three characters, but will be proved to you to have been the cruel oppressor, the savage proprietor, and the relentless man-slayer.

You will hear, gentlemen, from unimpeachable witnesses, that Prosper died by *licks*, confinement, and starvation, by order and in the presence of the prisoner at the bar; and that this cruel punishment was inflicted for a mango which dropped off a tree, worth, at most, one shilling, but for which the said Prosper should pay the exorbitant price of six shillings, or be flogged. Unable to comply with the whole of this unjust demand, he was flogged, and a second time the day following, with unheard of severity and cruelty, which ended in death in less than a fortnight.

Gentlemen, that many very severe wounds, by command of the prisoner at the bar, were given to Prosper by a cart whip, and that those wounds occasioned his death, will be undeniably proved; and I anticipate that by way of defence, two observations will be made to you. —That Prosper neglected the cure of those wounds or he would not have died, and that a master, as a master, has a right, by law, to chastise his slave or servant, who by ill conduct deserves correction.

The cruel correction, gentlemen, the infernal pu-

nishment, inflicted by the prisoner, on his helpless slave, was, in the first instance, to the greatest extremity, immoderate; but even then he was not satisfied, but had him lashed to a tree, and fresh wounds inflicted on those already received, until his victim lost even the power of speech.

It may, perhaps, be said, that, as no blow was given, and no wound inflicted by Mr. Hodge himself, but by his driver only, that the prisoner cannot be convicted. It matters not, gentlemen, whether the prisoner gave a blow or inflicted a wound, or not; he was present, not only aiding and abetting, but commanding, and of course compelling his slave, a driver, to inflict those wounds, in consequence of which the wretched mangled Prosper died; had he not compelled his driver thus to use the detestable cart whip, I will venture to say that what the prisoner never felt, or knew, to wit, compassion, would have so sensibly affected the sable breast of the driver, that he would not have raised his arm against his miserable companion in bondage; but his master was present---a master to whose savage ear he dare not make any appeal, to whom he dare not offer any petition for mercy, and by whom all his humane intercessions in behalf of Prosper would have instantly been declared impudent and unpardonable offences. The fate of Prosper would, in such case, have also been the fate of the driver, for some other reluctant slave would have had to execute the sad duty of flogging him to death.

The cart whip, the ever-to-be detested cart whip, by the lashes of which Prosper died, was, gentlemen of the jury, in the hands of the driver, and the wounds were inflicted by command of the prisoner, who was also present. Is he not then a murderer? a murderer killing his defenceless slave, who could not exercise, even if at liberty, the rights of self-defence, and who could neither resist nor flee from that savage monster, his barbarous, unfeeling, unrelenting master? I once more, emphatically ask, is not this *murder?*

That the magistrates of this country, gentlemen, have been indefatigable in bringing the prisoner to trial, is certainly true, and that the exertions they have used to do so, redound greatly to their credit, is equally

true. The prisoner is now on trial, and you are the persons who are to pronounce him innocent or guilty; you are a jury, I may truly say, of his own selection, and in whom, not only himself, but the crown, may safely place every confidence. If he is innocent, he ought to rejoice that he is brought to trial, for no man, after the accusations made against him, which are alleged against the prisoner, could wish, if not culpable, to live with a character for ever ruined, with a reputation stained with blood, and, in the minds of all who know him, with a mark set upon him like that of Cain, to designate him a murderer among mankind; on the other hand, if he is guilty, and proved to be so, he ought, by death, to make atonement for the offences he has committed against the laws of his God and his country.

The first witness called to prove the charge, was a woman of colour, of the name of *Pareen Georges*. She stated that she was in the habit of attending at Mr. Hodge's estate to wash linen; that one day Prosper came to her to borrow six shillings, being the sum that his master required of him, because a mango had fallen from a tree, which he (Prosper) was set to watch. He told the witness that he must either find the six shillings or be flogged; that the witness had only three shillings, which she gave him, but that it did not appease Mr. Hodge; that Prosper was flogged for upwards of an hour, receiving more than one hundred lashes, and threatened by his master, that if he did not bring the remaining three shillings on the next day, the flogging should be repeated; that the next day he was tied to a tree, and flogged for such a length of time, that the thong of the whip doubled, that his head fell back, and that he could bawl no more. From thence he was carried to the sick house, and chained to two other negroes; that he remained in this confinement during five days, at the end of which time, his companions broke away, and thereby released him, that he went to the negro houses and shut himself up; that he was found there dead, and in a state of putrefaction, some days afterwards; that crawlers were in his wounds, and not a piece of black flesh was to be seen on the hinder part of his body, where he had been flogged.

Stephen M'Keogh, a white man, who had lived as manager of Mr. Hodge's estate, deposed, that he saw the deceased, Prosper, after he had been so severely flogged; that he could put his finger in his side; he saw him some days before his death, in a cruel state; he could not get near him for the blue flies. Mr. Hodge had told the witness, whilst he was in his employ, that if the work of the estate was not done, he was satisfied if he heard the whip.

This was the evidence against the prisoner. His counsel, in their attempt to impeach the veracity of

the witnesses, called evidence as to his general character, which disclosed instances of still greater barbarity on the part of Mr. Hodge. Among other examples, the witness Pareen Georges swore that he had occasioned the death of his cook, named Margaret, by pouring boiling water down her throat.

The prisoner then addressed the jury on their retiring:

Gentlemen, as bad as I have been represented—or as bad as you may think me, I assure you that I feel support in my afflictions, from entertaining a proper sense of religion. As all men are subject to wrong, I cannot but say but that principle is likewise inherent in me. I acknowledge myself guilty in regard of many of my slaves, but I call God to witness my innocence in respect to the murder of Prosper. I am sensible that the country thirsts for my blood, and I am ready to sacrifice it.

The jury retired at about half past six o'clock in the morning of the 30th of April, to consider their verdict, and at about eight o'clock returned with a verdict of *Guilty*.

The majority of the jurors recommended the prisoner to mercy.

Mr. *Chief Justice Robertson*, in the usual form, and in the most affecting and impressive manner, pronounced the awful sentence of the law upon the prisoner, namely, to be hanged by the neck, on Wednesday, the 8th day of May, following, until he was dead, on a spot near the common prison.

After, as well as previous to his condemnation, and to the last moment of his life, Mr. Hodge persisted in his innocence of the crime for which he was about to suffer. He acknowledged that he had been a cruel master, which, as he afterwards said, was all he meant in his admission to the jury of guilt in regard to others of his slaves; that he had repeatedly flogged his negroes; that they had then run away, when by their own neglect, and the consequent exposure of their wounds, the death of some of them had possibly ensued. He denied all intention of causing the death of any one, and pleaded the unruly and insubordinate disposition of his whole gang, as the motive for his severity.

JOHN WILLIAMS,

FOR THE MURDER OF

MR. MARR AND FAMILY; AND OF MR. AND MRS. WILLIAMSON, AND A FEMALE SERVANT.

On Saturday night, December 11th, 1811, Mr. Marr, mercer, in Ratcliffe-highway, was, with his wife, infant, and servant lad, found murdered. An investigation having taken place before the magistrates of Shadwell Police Office, the following circumstances were disclosed.

The servant girl of Mr. Marr stated, that on Saturday evening, about twelve o'clock, she was ordered by her mistress to purchase some oysters for supper, and, at the same time, to pay the amount of the baker's bill, for which she received a pound note. She left her mistress suckling her infant child, about three months old, in the kitchen, and her master was employed behind the counter, arranging his business, preparatory to closing up his shop. She went out and failed in buying the oysters, having been to several places, but could not get them. She returned in about half an hour, and found the door and shop closed; when she rang the bell violently, without effect. The watchman came up, and enquired the cause of her wanting to be admitted; when she answered, that she was a servant to the family. The watchman then assisted her in endeavouring to alarm the family, by ringing the bell, but could gain no admittance.

Mr. Murray, a pawnbroker, residing at the next door to Mr. Marr, stated, that the watchman acquainted him of the ineffectual attempt made to alarm the family of Mr. Marr, and that he went to his back door, and was induced to get over the yard wall, and enter the back door of the house, when he was attracted by a light on the landing-place. He took the light, and the first horrid spectacle he beheld, was James Goen, a servant lad about fourteen years of age, at the farther part of the shop, lying dead on the floor, with his brains knocked out, and actually dashed, by the force of the murderous blow, against the ceiling. Shocked at this spectacle, he called for assistance. Mr. Murray advanced to the street-door, when he discovered Mrs. Marr lying on the floor, dreadfully wounded and lifeless. He then went behind the counter, and found Mr. Marr on the ground, bleeding profusely about the head, without signs of life. After witnessing this frightful scene in the shop, he then advanced into the kitchen, and petrified with horror, he saw the little babe in the cradle, with one of its cheeks entirely knocked in with the violence of a blow, and its throat cut from ear to ear.

It is supposed, that the mother, frightened on hearing the groans from the shop, had left the infant in the cradle, to run up stairs to see what was the matter, and that her life fell a sacrifice. The murderer or murderers, probably, afterwards dispatched the helpless infant, to prevent its cries alarming the neighbourhood.

The watchman stated, that on going his round at twelve o'clock, he spoke to Mr. Marr, when shutting up the shop with the servant lad. On his return back, he examined the window-shutters, and found one of the pins in the iron cross-bar loose. He rapped at the door, and being answered, as he thought, in a strange voice, informed them of the neglect in not fastening the pins securely. He was replied to from within, by a voice saying, "that all was right." He then proceeded forward, and when he returned, he heard the violent ringing of the bell by the girl.

The return of the girl in so short a time, it is conjectured, gave an alarm, and prevented the premises from being robbed, for it appeared that no property had been stolen, as there was found about 160*l.* in the house, in cash and notes. On searching the house, a ship-carpenter's maul, broken at the point, and a long iron ripping-chisel, about twenty inches in length, were found; the former covered with marks of fresh blood.

The most vigilant enquiry was set on foot by the magistrates and officers from all the Police Offices; and it was hoped their perseverance would lead to the discovery of the wretch or wretches who had perpetrated this horrible deed. It was certain there was more than one, because they were heard to talk together, while making their escape.

The following description of the premises and adjoining buildings, will lead the reader to form some idea of the difficulty of the escape of the murderer or murderers, who, it seems, were well acquainted with the place.

The house stands in Ratcliffe-highway, between St. John's-hill and Artichoke-hill, both of them thoroughfares, leading to and terminating in a line with Pennington-street, composed of a compact square of dwelling-houses, surrounding a piece of ground for the general use of the inhabitants, to which there is no passage, but through the premises of the neighbours. All these houses were inhabited, except one next to the corner of Artichoke-hill, in Pennington-street, and about seven others in the same street. On the

ruffians being alarmed by the ringing of the bell, they went through the small yard detached by Mr. Marr, got over the gateway into the enclosed space of ground, entered the empty dwelling at the corner, and made their escape into Pennington-street, from whence all trace was lost. The neighbours heard a noise, and a person saw some men rush out, but the surprize in perceiving the men walk with unusual speed at that hour, precluded him from particularly observing their persons.

Soon after, and near the same place, another atrocious murder was committed on the bodies of Mr. and Mrs. Williamson, and their female servant. On Thursday night, December 19th, shortly after eleven o'clock, the neighbourhood of New Gravel Lane was alarmed by loud and continued cries of *Murder!* Crowds of individuals, resident on the spot, soon collected round the house opposite the King's Arms public-house, at No. 81, Gravel Lane. It was ascertained that the cries which had excited such general alarm, came from a man who was seen descending, almost in a state of nudity, by a line formed by the junction of two sheets, from the two pair of stairs window of the house in question. On reaching the extremity of the sheets, which was nearly eight feet from the ground, he was assisted by the watchman, who caught him in his arms, when he cried out, in the greatest agitation, "*they are murdering the people in the house!*" These words were no sooner uttered, than a short consultation was held by the people assembled, and it was resolved that an entry should be forced into the house, through the cellar-flap, which was shortly accomplished, and a man named Ludgate, a butcher, living in Ashwell's Buildings, Gravel Lane, and Mr. Hawse, and a constable, entered; and, almost at the same moment, a gentleman, named Fox, obtained an entrance through some wooden bars at the side of the house, with a cutlass in his hand. On looking round the cellar, the first object that attracted their attention was the body of Mr. Williamson, which lay at the foot of the stairs, with a violent contusion on the head, his throat dreadfully cut, and an iron crow by his side; they then pro-

ceeded up stairs into the parlour, where they found Mrs. Williamson also dead, with her skull and her throat cut, blood still issuing from the wound; and near her lay the body of the servant woman, Bridget Harrington, whose head was also horribly bruised, and her throat cut. Mr. J. Williamson was about 56 years of age, his wife, Mrs. C. Williamson, about 60; and Bridget Harrington, 50 years of age. The master and mistress were both corpulent, and the former very stout.

During the examinations before the magistrates of the Shadwell Police Office,

Mr. Anderson deposed that he was a constable; he knew Mr. and Mrs. Williamson; they were characters highly respected in the neighbourhood, and, for the space of fifteen years, kept the King's Arms public-house, which was the resort of foreigners of every description. At eleven o'clock every night, they invariably closed up their house. On Thursday night, Mr. Williamson adopted the same plan. Ten minutes before eleven, witness called for a pot of beer. Mrs. Williamson drew the beer, and said to him, "You shall not carry the beer home, I will send it." During the time she was drawing the beer, Mr. Williamson, who was sitting by the fire, said to witness, "You are an officer, there has been a fellow listening at my door, with a brown coat on, if you should see him, take him into custody, or tell me." Witness answered, "He certainly would, for his and his own safety." These were the last words witness mentioned, and then retired. Witness lived next door but one to the deceased; between twenty and thirty minutes after he left the King's Arms, he intended to go for another pot of beer; as soon as he got out of his house, he heard a noise, when he sa wthe lodger lowering himself into the street by the sheets. He ran into the house for his staff, and proceeded to the spot. The watchman caught the lodger in his arms, when witness and others broke the cellar-flap open; they then entered, and began to look round the cellar; on coming to the staircase, they saw Mr. Williamson lying on his back, with his legs upon the stairs, his head downwards; by his side was an iron instrument, similar to a stone-mason's crow, about three feet long, and in diameter, three quarters of an inch: it was much stained with blood. Mr. Williamson had received a wound on the head, his throat was cut, his right leg was broken by a blow, and his hand severely cut. From these marks of violence, witness supposed Mr. Williamson made great resistance, being a very powerful man. While witness and others were viewing the body with petrified feelings, they heard a voice saying, "Where is the old woman?" At these words, they proceeded up into the sitting-room, where they saw Mrs. Williamson lying on her left side; her skull was fractured, and her throat cut, and bleeding most profusely; near to Mrs. Williamson was the servant woman, lying

on her back, with her feet under the grate; her skull was more dreadfully fractured than that of her mistress, her throat inhumanly cut to the neck-bone: and none of the bodies were cold. Witness then stated, that the premises were afterwards examined, and it was discovered that the murderers had made their escape from a back window, looking into a piece of waste ground, belonging to the London Dock Company. The sill of the window was stained with blood, and the sash remained thrown up. The distance which the villains had to jump did not exceed eight feet, and the ground beneath was soft clay, so that they could sustain no injury, even had they fallen. From the waste ground in question, there was no difficulty whatever in escaping, as it communicated with several bye-streets.

John Turner, the man who escaped from the window, and who was a lodger in the house, deposed as follows:—I went to bed about five minutes before eleven o'clock; I had not been in bed more than five or ten minutes before I heard the cry of '*We shall all be murdered!*' which, I suppose, was the cry of the woman servant. I went down stairs, and I saw one of the villains rifling Mrs. Williamson's pockets, and I immediately ran up stairs; I took up the sheets from my bed, and fastened them together, and lashed them to the bed-posts; I called to the watchman to give the alarm; I was hanging out of the front window by the sheets; the watchman received me in his arms, naked as I was; a great mob had then assembled opposite the door: as soon as I got upon my legs, the door was forced open; I entered, and found the bodies lying as described. There was no other lodger in the house but myself, except a grand-daughter of Mrs. Williamson. I have lived in the house about eight months, and during that time I have found them to be the most peaceable people that could keep a public-house. The man whom I saw rifling Mrs. Williamson's pocket, as far as I could see by the light in the room, was about six feet in height, and dressed in a genteel style, with a long dark loose coat on. I said nothing to him; but terrified, I ran up stairs, and made my escape, as already mentioned. When I was down stairs, I heard two or three very great sighs, and when I was first alarmed, I heard distinctly the words, 'We shall all be murdered.'" Turner further deposed, that, at the time he went to bed, Mrs. Williamson was on the stairs, taking up a silver punch-ladle and watch, which were to be raffled for on the following Monday, into her bed-room, for secu ity.

On Monday, December 23d, John Williams was apprehended on suspicion of being concerned in these murders. This man was born at Brandon, in the county of Cork, about the year 1781. At what period he entered on the sea-faring life was not ascertained; but he was probably, at an advanced age, driven to it by his former bad conduct; he possessed an address superior to his situation, and wrote a good hand. In the year 1808, he entered on board the Dover Castle, East In-

diaman, in which he was registered as an able seaman. In this vessel, and on this same voyage, the ill-fated Marr became his ship-mate, having engaged himself in the capacity of captain's servant. The conduct of the two formed, it is said, a striking contrast:—Marr was sober, diligent, peaceable, and obliging; and by his services gained so greatly the esteem of his master, that on their return to England, the captain, in conjunction with another friend, supplied him with the means of taking the house in Ratcliffe-highway, and of commencing business. Williams, on the contrary, was idle, drunken, dissolute, and quarrelsome, and so continually involved in disgrace, that on his quitting the ship, the captain is said to have prophesied, that he would come to an untimely end.

The circumstances of suspicion alleged against Williams were, that he had been frequently seen at the house of Williamson the publican, and that he had been specially noticed there about seven o'clock on Thursday evening; that on the same evening he did not go home to his lodgings at the Pear-Tree, until about twelve, when he desired a fellow lodger, (a foreign sailor,) to put out his candle; that, previous to this melancholy transaction, he had little or no money; and that, when he was taken into custody, he had a one pound note and a quantity of silver. These suspicious circumstances having been proved against him, the magistrates desired him to give some account of himself. He avowed that he had been at Mr. Williamson's on Thursday evening, and at various other times. He had known Mr. and Mrs. Williamson a considerable time, and was very intimate there. On Thursday evening, when he was talking to Mrs. Williamson, she was very cheerful, and patted him on the cheek when she brought him some liquor. He was considered rather in the place of a friend than a mere customer of the house. When he left their house, he went to a surgeon's in Shadwell, for the purpose of getting advice for the cure of his leg, which had been for a considerable number of years disabled, in consequence of an old wound. From thence he went to a female chirurgeon, in the same neighbourhood, in hope of getting his cure completed at a less expense

than a surgeon's charge. He then went farther west, and met some female acquaintances, and after visiting several public-houses, he returned to his lodgings, and went to bed. The circumstance of his desiring his fellow-lodger to put out his candle, arose in consequence of his finding the man, who was a German, lying in bed with a candle in one hand, a book in the other, and a pipe in his mouth Seeing him in that situation, and apprehending that the house might be set on fire by his carelessness, he told him to put out his light, and not expose the house to the danger of being burnt down to the ground. He accounted for the possession of the money found upon him, as the produce of some wearing apparel he left as pledges at a pawnbroker's. He never made any mystery of his having been at Williamson's on Thursday evening; on the contrary, he told his landlady, and several other people, that he had been with poor Mrs. Williamson and her husband a very short time before they were murdered, and remarked how cheerful Mrs. Williamson was.

After the examination was closed, and Williams was detained in custody, the following confirmation of the suspicions entertained of him, was made known to the magistrates. The iron maul, with which there is no doubt Mr. Marr and his unfortunate family were killed, had been missing from Mr. Vermilloe's house, where the prisoner lodged, and where it had been left for safe keeping, with several other tools, by a foreign seaman, named John Peterson, who was by trade a ship's carpenter. The maul was marked with the initials J. P. and the other tools found in Mr. Vermilloe's house, bore precisely similar characters. Mr. Vermilloe, who was confined in Newgate for debt, was unable to attend for the purpose of confirming these circumstances; but the magistrates carried the maul to Newgate, for the purpose of interrogating him upon the subject. Vermilloe immediately recognized it as the instrument which had been left in his custody by Peterson, and said, that although he would not positively swear that it was the same, yet the suspicion he certainly entertained of its identity was very much confirmed by the circumstance of the sharp

point of the maul in question being broken; and he remembered having broken the point of Peterson's maul one day, when he was breaking up some firewood.

On Tuesday evening, Williams was again brought before the magistrates, for further examination. John Turner would not say, upon his oath, that Williams resembled the man whom he saw rifling Mrs. Williamson's pockets. He had frequently seen the prisoner at Williamson's house, but did not recollect seeing him there late on the night of the murder.

Mrs. Rice, a laundress, residing in Union Street, Shadwell, stated, that she was sister-in-law to Mrs. Vermilloe, the prisoner's landlady. She had washed for the prisoner about three years. On last Friday fortnight she washed a shirt belonging to Williams, which was much torn about the neck and breast, and had a good deal of blood upon it, about the neck and the arms: she supposed he had been fighting. On Thursday week, he sent another shirt to be washed, which also was very much torn, and marks of blood upon it, which appearances she attributed likewise to fighting. The first shirt she washed was before the murder of Mr. Marr; but the second was four or five days afterwards. She remembered the prisoner's fighting in her house with one her of lodgers, and that then he had a shirt torn to rags; but this was three weeks since.

Mrs. Vermilloe, the landlady of the Pear-Tree, where the prisoner lodged, stated, that she had known him for some years. Her husband was a prisoner, for debt, in Newgate. A young sailor, named John Peterson, a Swede, who had gone abroad, had left a chest of tools with her husband, to keep safe for him, until his return from sea. There were two or three mauls in that chest three weeks ago, but within that time they had disappeared. The box which contained them was always unlocked, and any body in the house might have access to it. It was in the same room where the prisoner's sea-bed was deposited. Most of the mauls and other tools belonging to Peterson, were marked with initials, J. P., one of them her husband had sometimes used. She herself could not speak positively as to any of the tools, nor was she sure she could recognize them, if they were produced.

The blood-stained instrument with which the unfortunate Mr. Marr and family were dispatched, was then produced, at sight of which, the witness was agitated, and shrunk back with horror and consternation. It was with great difficulty she could be got to look at it steadily. She was desired to say, whether she had not seen that instrument in her husband's house, and whether it was not the same with which her husband sometimes broke up wood? She answered, that she might have seen it, but she could not be positive. The question was put to her in various ways, but her answer was, it was like the maul that was missing, but she could not swear to it.

Mrs. Rice interposed, and said, that her little boys could speak positively as to the identity of the maul, as she had frequently heard them describe a broken-pointed maul, with which they used to play in the square near their aunt's house.

The boys were then sent for. During the absence of the messenger, the prisoner begged to account for the manner in which the shirt, given to the laundress on Friday night fortnight, became torn, and stained with blood. He said, he had been dancing with his coat and waistcoat off, at the house where he lodged, about half past eleven o'clock at night; and his sport being stopped by the watchman, he had retired thus undressed to the Royal Oak, to treat his musician. In the Royal Oak, he met with a number of Irish coal-heavers, playing at cards, and they insisted upon his playing with them. He consented, after much entreaty, and lost a shilling's worth of liquor. He was then for retiring peremptorily, when a scuffle ensued between him and one of the party, who seized him by the shirt-collar, which he tore, and then struck him a blow on the mouth, which cut his lip, and from that wound issued the blood which stained his shirt.

Michael Cuthperson and *John Harrison*, two Prussian sailors, who were fellow-lodgers of the prisoner, proved, that he did not come home till near one o'clock, on the night of the murder of Mr. Marr and family. The former of these witnesses, upon seeing the maul, said it was very much like one he had seen Mrs. Vermilloe's nephews frequently playing with in the yard.

William Rice, a little boy about eleven years old, the nephew of Mr. Vermilloe, was then asked, if he had ever played with a large hammer; he answered, he had, that his brother and he used to play as carpenters with it, and that he should know it again, for it was broke at the point.

Upon being shewn the actual maul in question, he recognized it, and said he was quite sure it was the same he had frequently played with. He had not, however, seen it for about a month before, but he was positive it was the same; and he dared to say his brother would say the same also.

The prisoner was remanded for further examination.

On Wednesday morning, the magistrates went again to Newgate, and had another interview with Mr. Vermilloe, the landlord of the Pear-Tree, when he identified the ripping-chisel, found at Mr. Marr's house, as being one of Peterson's tools. Mrs. Vermilloe, who was present at this interview, gave, in an unembarrassed manner, decisive information as to the identity of the blood-stained maul.

John Cuthperson, a fellow-lodger of Williams, stated to the magistrates, that on the morning after the murder of Mr. Williamson, when he got up, he saw a pair of his own stockings lying behind his chest, very much dirtied with fresh mud. He took them down stairs into the tap-room, where he found Williams. He asked him, who had dirtied his stockings in that manner? Williams said, "Why! are they your's?" "Yes, they are mine," the witness replied. Some little dispute then ensued, as to their right ownership, when Williams took them into the back yard, and after washing the dirt off, returned them to the witness.

On Thursday, *John Fred. Richter*, a Dane, was brought before the magistrates; he stated, that he lodged in the same house with Williams, for about twelve weeks and three or four days, but knew little of him, except as a fellow-lodger. On the night of the murder of Mr. Marr and family, a few minutes before Williams came home, there was a knock at the door, and he went down to open it, when he found the key had been taken from the inside of the lock, and he called to the mother of Mrs. Vermilloe, the landlady to come down and open the door. Hearing her coming down stairs, he went up to his own room. A few minutes afterwards, Williams came in. It was then almost half-past one o'clock. About three or four days before Williams was taken up, he observed, that the large *sandy coloured whiskers*, which had before formed a striking feature of Williams's appearance, had been cut off. About eleven o'clock on the day after the murder of Mr. Marr and family, the examinant went, from curiosity, to view the premises, which he entered, and saw the dead bodies. From thence he returned to the Pear-Tree, where he found Williams in the back-yard, washing out his stockings, but he did not tell Williams where he had been. On being asked by the magistrates, why he did not tell Williams, the examinant answered, "he did not know—he could not tell." He was then questioned respecting his knowledge of the maul, and also the ripping-chisel, which was about an inch in diameter, and between two and three feet in length, flattened at the end, but not with a cutting edge. The maul, he said, resembled one he had seen about the Pear-Tree public-house, but he could not identify it.

Mrs. Orr, during her evidence, acquainted the magistrates, that on the Saturday before Marr's murder, about half past one o'clock in the morning, she was getting up linen, when she heard a noise, as if a man was attempting to break into the house. She was frightened, and asked, "who was there;" a voice answered, which she knew to be Williams's, "I am a robber!" she answered, "whether you are a robber or not, I will let you in, and am glad to see you." Williams entered, seated himself down till the watchman was calling the hour of past two o'clock, when he rose from his chair, and asked her if she would have a glass? She assented, but as he would not go for it, she went to the Pear-Tree public-house, and could gain no admittance. She returned, when Williams enquired how many rooms there were in her house, and the situation of her back premises? She replied, there were three rooms, and that her back-yard communicated with Mrs. Vermilloe's house. The watchman came into Mrs. Orr's house, (a chandler's shop, in Sir William Warren's Square, next door but one to Pear-Tree Court,) and told Mrs. Orr that he had picked up a chisel by the side of her window. Williams ran out unobserved, at this information; soon afterwards he returned; the watchman was leaving, when Williams stopped him, and desired him to go to the Pear-Tree, and get some liquor. While the watchman was gone for the liquor, Williams took up the chisel, and said "d—n my eyes, where did you get this chisel?" Mrs. Orr did not part with it, but retained the instrument till Monday

last. Hearing that Williams was examined, she went to Mrs. Vermilloe's, and shewed her the chisel. Mrs. Vermilloe looked at it, and compared it with the tools in Peterson's chest, when it was found to bear the same marks, and she declared it was taken out of her house. Mrs. Orr instantly delivered the chisel to the magistrates of Shadwell Street office, as being a further trace to the villany. Mrs. Orr said she had known Williams eleven weeks; he frequently nursed her child, and used to joke with her daughter, and once asked her, whether she would be frightened if he came in the dead of the night to her bed-side. The daughter replied, "No, if it was you, Mr. Williams, I should not." Both the mother and daughter thought Williams an agreeable young man, and never thought he was one who would attempt to rob or murder.

On Friday, an immense concourse of persons assembled at Shadwell Police Office, for the purpose of witnessing the examination of Williams, against whom suspicion had been so strongly confirmed by a variety of circumstantial testimony. All the persons who could give any information respecting the late murders, as well as respecting Williams's conduct subsequent thereto, were summoned; the maul and ripping-chisel were placed on the table, and every arrangement for a full and minute examination of the horrible occurrences was made.

While all were waiting in anxious expectation for the arrival of the prisoner, the officers who had been dispatched to Cold-bath Fields prison, to conduct him to the office, returned with the intelligence, that he had been found dead in his cell that morning, having suspended himself by his neck-handkerchief from a projecting piece of wood, which was introduced into the wall for the purpose of hanging the bed-clothes on; thus, by his own hand, ridding the world of a monster, whose connexion in the late murders, there was every reason to believe, would have been established in the most incontrovertible manner.

On Tuesday morning, December 31st, soon after nine o'clock, the high-constable, with his attendants, arrived at the watch-house, with a cart, that had been fitted up for the purpose of giving the greatest possible degree of exposure to the face and body of Williams. A platform was erected upon the cart, composed of rough deals, battened together, which extended from one side to the other, forming an inclined plane, on which the body rested, and so much elevated as to be

completely exposed to public view; a board was fixed across the lower end, standing up about six inches, to prevent the body from slipping off. On this platform the body was laid, with its feet towards the horse: dressed in a clean white frilled shirt, quite open at the neck, and the sleeves tucked up to the elbows, in the same state as when cut down in the cell. The countenance looked healthful and ruddy, and the hair flowed loosely over the forehead: on the upper part of the face there were marks of coagulated blood, the effect of strangulation; but, excepting this circumstance, there was very little alteration in the general appearance of his person, from his first examination. The body was without a coat, hat, or shoes; but had on a pair of blue trowsers, blue and white striped waistcoat, and brown worsted stockings; and on the right leg was affixed the prison iron.

The fatal maul was placed in a perpendicular posture, on the left side of the head, and the ripping-chisel, in the same manner, on the other side; above his head, in a transverse direction, was laid the iron crow, found in Williamson's house; and the wooden stake, sharpened at one end, destined to be driven through the body, was placed in the same direction, between the head and shoulders. These arrangements having been made, the procession proceeded in order from the watch-house, amidst the smothered groans of the assembled multitude.

The procession proceeded at a slow pace up Ratcliffe-highway, until it arrived opposite the late Mr. Marr's house, where the cart was stopped for nearly a quarter of an hour; from thence it proceeded down Old Gravel Lane, by the London Dock Wall, to Cinnamon Street, on the left; it went up this street, until it reached Pear-Tree Alley, near to Williams's lodging; here it again stopped for some time, and then proceeded into Sir William Warren's Square, for the purpose of turning round, there being no passage for a cart that way into Wapping; returning a short distance up Cinnamon Street, it proceeded through King Edward Street, along Wapping, and up New Gravel Lane, continuing slowly to approach the spot where the second murder was perpetrated; on reaching

which, it rested about a quarter of an hour, and then proceeded, re-entering Ratcliffe-highway, and turning up Cannon Street, on reaching the top of wich it stopped in the centre of the cross-roads, formed by the intersection of the New Road, at St. George's turnpike, by Cannon Street, and Cannon-street Road. A hole, about five feet long, and as many deep, had been previously dug, within six feet of the lamp-post. After a pause of a few minutes, two men mounted the platform, and unceremoniously hurled the remains of the monster into its last earthly receptacle, amidst the acclamations of the surrounding spectators. The hole being too short to permit the body to lie at full length, it was crammed down in rather a contracted position; the stake was then handed to the person who was appointed to drive it through the body, which he did with several blows from the maul already mentioned. This ceremony called forth execration on the memory of the murderer, and expressions of sympathy for the unfortunate victims of his cruelty. A quantity of unslacked lime was thrown into the hole, which was then filled up with earth, and the paving stones were immediately restored to their former situation.

These atrocities spread consternation and dismay throughout the country, being among the most horrible acts of human butchery which are recorded in the calendar of crime.

JOHN BELLINGHAM, Esq.

FOR THE

MURDER OF THE RT. HON. SPENCER PERCEVAL,

Chancellor of the Exchequer, &c.

IN THE LOBBY OF THE HOUSE OF COMMONS,

May 11th, 1811.

On Monday, May the 11th, as Mr. Percival was entering the lobby of the House of Commons, at a quarter past five in the evening, he was shot with a pistol fired at him as he entered the door. He was in company with Lord F. Osborne, and imme-

diately on receiving the ball, which entered the left breast, he staggered, and fell at the feet of Mr. W. Smith, who was standing near the second pillar. The only words he uttered were, "Oh! I am murdered!" and the latter was inarticulate, the sound dying between his lips. He was instantly taken up by Mr. Smith, who did not recognize him until he had examined his face. The report of the pistol immediately drew great numbers to the spot, who assisted Mr. Smith in conveying the body of Mr. Perceval into the Speaker's apartments; but all signs of life had departed.

Mr. Perceval's body was placed upon a bed, when Mr. Lynn, of Great George Street, who had been sent for, arrived, but too late even to witness the last symptoms of expiring existence. He found that the ball, which was of an unusually large size, had penetrated the heart near its centre, and had passed completely through it. From thence, the body was removed to the Speaker's drawing-room, by Mr. Lynn and several members, where it was laid on a sofa.

The horror and dismay occasioned by the assassination of Mr. Perceval, prevented any attention from being paid to the perpetrator, and it was not until he was raised from the floor, that a person exclaimed, "Where is the rascal that fired?" when a person of the name of Bellingham, who had been unobserved, stepped up to him, and coolly replied, "I am the unfortunate man." He did not make any attempt to escape, though he had thrown away the pistol by which he had perpetrated the deed, but resigned himself quietly into the hands of some of the bye-standers. They placed him upon a bench near the fire-place, where they detained him; the doors were closed, and the egress of all persons prevented. When the assassin was interrogated as to his motive for this dreadful act, he replied, "My name is Bellingham; it is a private injury—I know what I have done—*it was a denial of justice on the part of government.*

At this time, the prisoner was not in legal custody, but was surrounded by several members, who insisted that he should be taken into the body of the House. The criminal was, however, previously searched, to which he made no resistance, and upon his person

were found a steel pistol, loaded, about seven inches in length, (the fellow to that with which he had effected his fatal purpose, which had been secured) with a short screw barrel, and a bundle of papers folded like letters. Two messengers then conveyed the prisoner to the bar of the House of Commons, where the utmost confusion and anxiety prevailed. The Speaker had quitted the committee on the orders in council, but on hearing the afflicting intelligence, he returned, and resumed his seat. Order having been restored, General Gascoyne said, in an audible voice, "I think I know the villain," and walking up to the assassin, and looking in his face, inquired, "Is not your name Bellingham?" He returned no answer, but by shaking his head; and stood afterwards motionless, and apparently composed, resting his hands upon the bar, and looking directly towards the chair.

Bellingham was conducted, without the slightest resistance, to a large room beyond the termination of the upper lobby, where the magistrate, (Mr. Watson, Sergeant at Arms of the House of Lords) who had been sent for, attended; Mr. Alderman Combe, Mr. Angelo Taylor, and other magistrates, assisted at the examination. The witnesses proved these facts. It appeared that a person was standing between the deceased and the prisoner, at the time the pistol was fired, and that the latter, to effect his diabolical design, was obliged to raise his hand over the shoulder of the intervening individual, and the ball, consequently, took a slanting direction, entering rather high upon the breast-bone. The flash of the pistol was seen by many, but the perpetration of the crime was so instantaneous, that its prevention was impossible. The assassin had been often seen in the gallery of the House, and it appeared that he had the previous day been watching the entrance of every member into the lobby with great attention, although this circumstance excited no peculiar notice. General Gascoyne, the member for Liverpool, deposed, before Mr. Watson and the other magistrates, that he had received many petitions and memorials from him, respecting some claims upon government, which he sought to be allowed. Those demands, it was stated, originated in

services alleged to be performed by the criminal in Russia, for which, he complained, he had obtained no remuneration. It seemed, likewise, that numerous similar ineffectual representations had been made to the unfortunate victim of his revenge, and to the Speaker. General Tarleton also gave evidence, as well as many others who witnessed the perpetration of the sanguinary deed, and those who first seized upon the prisoner's person.

During the whole of the examination, Bellingham maintained the utmost composure. He said he had, for more than a fortnight, watched for a favourable opportunity of effecting his purpose; that he had implored for justice in vain; that he had made application to every person likely to procure him redress; and that he had been, at length, driven to despair, *by being told at the public offices, that he might do his worst*—"*I have obeyed them,*" said he, "*I have done my worst, and I rejoice in my deed.*"

Mrs. Perceval was on a visit to the Hon. Mrs. Ryder, in Great George Street, Westminster, when the sad catastrophe happened, and was apprized of it on her return to Downing Street. Mrs. Perceval and her children, eleven in number, were plunged into inexpressible grief, as was Lord Arden, his brother.

The environs of Parliament Street and Palace Yard were rendered almost impassable by the pressure of the crowd, notwithstanding the vigilance of the police officers.

The body of Mr. Perceval was removed from the Speaker's house, during Monday night, to his own in Downing Street; and the next morning, at 11 o'clock, a most respectable jury was summoned to attend A. Gell, Esq. coroner for Westminster, at the sign of the Rose and Crown, in Downing Street. After taking a view of the body, and examining witnesses, they brought in a verdict of *Wilful Murder* against John Bellingham, alias Ballingham.

This culprit was a tall, raw-boned man, and appeared about forty-two years of age, with a thin, long visage, aquiline nose, and short brown hair. After committing the horrid deed, his principal anxiety seemed to be

to persuade the spectators that the act was justifiable from the provocation he had received. He was stated to be a native of St. Neott's, in Huntingdonshire.

His last application to government on his affairs, was made on Monday morning, when he received a repulsive answer, which was supposed to have confirmed him in that dark and bloody purpose, which he had carried into effect.

Mr. Bellingham ate a hearty dinner on Tuesday, soon after two o'clock, requesting to dine at that hour in future; and, after passing the rest of the day in a tranquil manner, he retired to bed at twelve, and slept till seven next morning, being attended by two persons during the night. He breakfasted about nine o'clock, and appeared quite composed, talking with apparent indifference about his trial, and repeating his former statements. On the same day, the following letter was sent by Mr. Bellingham, from his room in Newgate, to Mrs. Roberts, No. 9, New Milman Street, the lady at whose house he lodged.

Tuesday Morning, Old Bailey.

DEAR MADAM,

Yesterday midnight, I was escorted to this neighbourhood by a noble troop of Light Horse, and delivered into the care of Mr. Newman, (by Mr. Taylor the magistrate and M. P.) as a state prisoner of the first class. For eight years I have never found my mind so tranquil as since this melancholy, but necessary catastrophe, as the merits or demerits of my peculiar case must be regularly unfolded in a criminal court of justice, to ascertain the guilty party, by a jury of my country. I have to request the favour of you to send me three or four shirts, some cravats, handkerchiefs, night-caps, stockings, &c. out of my drawers, together with comb, soap, tooth-brush, with any other trifle that presents itself, which you think I may have occasion for, and inclose them in my leather trunk, and the key please to send sealed, per bearer: also my great coat, flannel gown, and black waistcoat, which will much oblige,

Dear madam, your very obedient servant,
JOHN BELLINGHAM.

To the above please to add the prayer-book.
To Mrs. Roberts.

On Wednesday morning, the sheriffs, accompanied by several other gentlemen, visited Mr. Bellingham in Newgate, and found him nearly in the same state of mind as on Tuesday; but on entering into conversa-

tion with him respecting the melancholy subject of Mr. Perceval's assassination, he became less tranquil, and persisted in vindicating the act, and said, when his trial came before a jury of his countrymen, it would then be determined how far a minister was justified in refusing justice to an injured individual. Had he shot Mr. Perceval from personal malice, he should have been worse than a brute. It was the *minister* and not the *man* that had led him to commit the deed. He further delared, that had he a million of lives to lose, they would not prevent him from pursuing his object in the same way. Mr. Harmer, his solicitor, had been with him for two hours, to receive instructions preparatory to his trial, and he expressed a wish to retain Mr. Brougham and Mr. Alley as counsel.

On Thursday, the Grand Jury, at Hicks's Hall, found a true bill against Bellingham, for the wilful murder of the Right Hon. Spencer Perceval. It appeared that, with respect to the manner in which Bellingham passed the previous part of the day on which he committed the murder, he went with a lady to the European Museum, where he was detained till past four o'clock. He parted from her at the extremity of Sydney's Alley, and went down immediately to the House of Commons, without having dined, and with his pistols loaded. He was so anxious not to be disappointed by the failure of the weapon, that, after he had bought his pistols, for which he gave four guineas, he went to Primrose Hill, to try how they would go off, and when he had ascertained their efficacy, loaded them for his purpose.

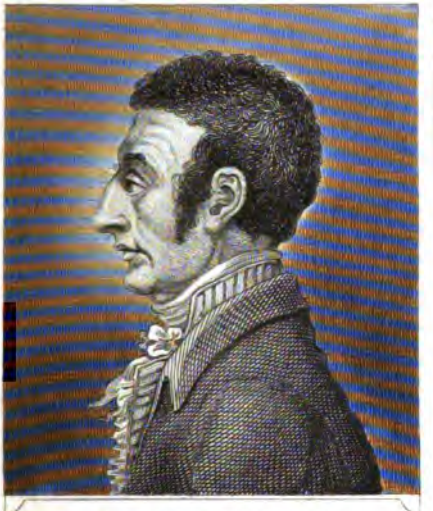
His trial came on at the Old Bailey, Friday, May 15th. At half past ten, the judges, Lord Chief Justice Mansfield, Baron Graham, and Sir Nash Grose, entered the court. The prisoner was immediately ordered to the bar. He advanced slowly, with the utmost composure of countenance, and bowed to the court. He was dressed in a brown coat, striped waistcoat, and dark small-clothes. The prisoner pleaded Not Guilty, and the facts, already stated, having been proved by several respectable witnesses, he was called upon for his defence.

The prisoner asked whether his counsel had nothing to urge in his defence?

Mr. Alley informed him, that his counsel were not entitled to speak.

The prisoner said, that the documents and papers necessary to his defence had been taken out of his pocket, and had not since been restored to him. The papers were then handed to the prisoner, who proceeded to arrange and examine them. The prisoner, who had been sitting till now, rose, and bowing respectfully to the court and jury, went into his defence, in a firm tone of voice, and without any appearance of embarrassment, or feeling for the awful situation in which he was placed. He spoke nearly to the following effect:

I feel great obligation to the Attorney General for the objection which he has made to the plea of insanity. I think it is far more fortunate that such a plea as that should have been unfounded, than it should have existed in fact. I am obliged to my counsel, however, for having thus endeavoured to consult my interest, as I am convinced the attempt has arisen from the kindest motives. That I am, or have been insane, is a circumstance of which I am not apprized, except in the single instance of my having been confined in Russia—how far that may be considered as affecting my present situation, it is not for me to determine. This is the first time that I have ever spoken in public in *this way*. I feel my own incompetency, but I trust you will attend to the substance, rather than to the manner, of my investigating the truth of an affair which has occasioned my presence at this bar. I beg to assure you, that the crime which I have committed, has arisen from compulsion, rather than from any hostility to the man, whom it has been my fate to destroy. Considering the amiable character, and the universally admitted virtues of Mr. Perceval, I feel, if I could murder him in a cool and unjustifiable manner, I should not deserve to live another moment in this world. Conscious, however, that I shall be able to justify every thing which I have done, I feel some degree of confidence in meeting the storm which assails me, and shall now proceed to unfold a catalogue of circumstances, which, while they harrow up my own soul, will, I am sure, tend to the extenuation of my conduct in this honourable court. This as has already been candidly stated by the Attorney General, is the first instance in which any, the slightest, imputation has been cast upon my moral character. Until this fatal catastrophe, which no one can more heartily regret than I do, not excepting even the family of Mr. Perceval himself, I have stood alike pure in the minds of those who have known me, and in the judgment of my own heart. I hope I see this affair in the true light. For eight years, gentlemen of the jury, have I been exposed to all the



JOHN BELLINGHAM.

Fisher & Buckley, 6 247 Strand.

miseries which it is possible for human nature to endure. Driven almost to despair, I sought for redress in vain. For this affair, I had the *carte blanche* of government, as I will prove by the most incontestable evidence, namely, the writing of the Secretary of State himself. I come before you under peculiar disadvantages. Many of my most material papers are now at Liverpool, for which I have written, but have been called upon my trial before it was possible to obtain an answer to my letter. Without witnesses, therefore, and the absence of many papers necessary to my justification, I am sure you will admit I have just grounds for claiming some indulgence. I must state, that after my return from my voyage to Archangel, I transmitted to his Royal Highness the Prince Regent, through my solicitor, Mr. Windle, a petition; and in consequence of receiving no reply, I came to London, to see the result. Surprized at the delay, and conceiving that the interests of my country were at stake, I considered this step as essential, as well for the assertion of my own right, as for the vindication of the national honour. I waited upon Colonel M'Mahon, who stated that my petition had been received, but, owing to some accident, had been mislaid. Under these circumstances, I drew out another account of the particulars of the Russian affair, and this may be considered as the commencement of that train of events, which led to the afflicting and unhappy fate of Mr. Perceval. This petition I shall now beg leave to read." *(Here the prisoner read a long petition.)*

In the course of narrating these hardships, he took occasion to explain several points, and adverted with great feeling to the unhappy situation in which he was placed, from the circumstance of his having been but lately married to his wife, then about twenty years of age, with an infant at her breast, and who had been waiting for him at St. Petersburgh, in order that she might accompany him to England---a prey to all those anxieties which the unexpected and cruel incarceration of her husband, without any just grounds, was calculated to excite.---*(In saying this, the prisoner seemed much affected.)*—He also described his feelings at a subsequent period, when his wife, from an anxiety to reach her native country, (England) when in a state of pregnancy, and looking to the improbability of his liberation, was obliged to quit Petersburgh unprotected, and undertake the voyage at the peril of her life, while Lord L. Gower and Sir S. Shairpe suffered him to remain in a situation worse than death. "My God! my God!" he exclaimed, "what heart could bear such excruciating tortures, without bursting with indignation at conduct so diametrically opposite to justice and to humanity. I appeal to you, gentlemen of the jury, as men—I appeal to you as Christians—whether, under such circumstances of persecution, it was possible for me to regard the actions of the Ambassador and Consul of my own country, with any other feelings but those of detestation and horror. In using language thus strong, I feel that I commit an error, yet does my heart tell me, that men who lent themselves thus to bolster up the basest acts of persecution, there are no observations, however strong, which the strict justice of the case

would not excuse my using towards them. Had I been so fortunate as to have met Lord Leveson Gower, instead of that truly amiable, and highly lamented individual, Mr. Perceval, he is the man who should have received the ball!!!"

After reading several other papers, he thus proceeded.—"I will now only mention a few observations by way of defence. You have before you all the particulars of this melancholy transaction. Believe me, gentlemen, the rashness of which I have been guilty, has not been dictated by any personal animosity to Mr. Perceval, rather than injure whom, from private or malicious motives, I would suffer my limbs to be cut from my body. *(Here the prisoner seemed again much agitated.)*

If, whenever I am called before the tribunal of God, I can appear with as clear a conscience as I now possess, in regard to the alleged charge of the wilful murder of the unfortunate gentleman, the investigation of whose death has occupied your attention, it would be happy for me, as essentially securing to me eternal salvation,---but that is impossible. That my arm has been the means of his melancholy and lamented exit, I am ready to allow. But to constitute murder, it must clearly and absolutely be proved, to have arisen from *malice prepense, and with a malicious design*, as I have no doubt the learned judge will shortly lay down, in explaining the law on the subject. If such is the case, I am guilty; if not, I look forward with confidence to your acquittal.

That the contrary is the case, has been most clearly and irrefragably proved: no doubt can rest upon your minds, as my uniform and undeviating object has been, an endeavour to obtain justice, according to law, for a series of the most long continued and unmerited sufferings that were ever submitted to a court of law, without having been guilty of any other crime than an appeal for redress for a most flagrant injury offered to my sovereign and my country, wherein my liberty and property have fallen a sacrifice for the continued period of eight years, to the total ruin of myself and family (with authenticated documents of the truth of the allegations), merely because it was Mr. Grant's pleasure that justice should not be granted, sheltering himself with the idea of there being no alternative remaining, as my petition to Parliament for redress, could not be brought forward (as having a pecuniary tendency) without the sanction of his Majesty's ministers, and that he was determined to oppose, by trampling both on law and right.

Gentlemen, where a man has so strong and serious a criminal case to bring forward as mine has been, the nature of which was purely national, it is the bounden duty of government to attend to it, for justice is a matter of right, and not of favour. And when a minister is so unprincipled and presumptuous, at any time, but especially in a case of such urgent necessity, as to set himself above both the sovereign and the laws, as has been the case with Mr. Perceval, he must do it at his personal risk, for, by the law, he cannot be protected.

Gentlemen, if this is not fact, the mere will of a minister would be law; it would be this thing to-day, and the other to-

morrow, as either interest or caprice might dictate. What would become of our liberties? where would be the purity and the impartiality of the justice we so much boast of? To Government's non-attendance to the dictates of justice, is solely to be attributed the melancholy catastrophe of the unfortunate gentleman, as any malicious intention to his injury was the most remote from my heart. Justice, and justice only, was my object, which Government uniformly objected to grant, and the distress it reduced me to, drove me to despair in consequence, and purely for the purpose of having the singular affair legally investigated, I gave notice at the Public Office, Bow Street, requesting the magistrates to acquaint his Majesty's ministers, that if they persisted in refusing justice, or even to permit me to bring my just petition into Parliament for redress, I should be under *the imperious necessity of executing justice myself*, solely for the purpose of ascertaining, through a criminal court, whether his Majesty's ministers have the power to refuse justice to a well-authenticated and irrefutable act of oppression, committed by the Consul and Ambassador abroad, whereby my Sovereign's and Country's honour were materially tarnished, by my person endeavouring to be made the stalking-horse of justification, to one of the greatest insults that could be offered to the crown.

But, in order to avoid so reluctant and abhorrent an alternative, I have hoped to be allowed to bring my petition to the House of Commons,---or that they would do what was right and proper themselves.

On my return home from Russia, I brought most serious charges to the Privy Council, both against Sir Stephen Shairpe, and Lord G. L. Gower, when the affair was determined to be purely national, and, consequently, it was the duty of his Majesty's ministers to arraign it, by acting on the resolution of the council. Suppose, for instance, the charge I brought could have been proved to be erroneous, should I not have been called to severe account for my conduct---but, being true, ought I not to have been redressed?

After the notice from the police to government, Mr. Ryder, conscious of the truth and cruelty of the case, transmitted the affair to the Treasury, referring me there for a final result. After a delay of some weeks, the Treasury came to the resolution of sending the affair back to the Secretary of State's Office; at the same time, I was told by a Mr. Hill, he thought it would be useless my making further application to government, and that I was at full liberty to take such measures as I thought proper for redress.

Mr. Beckett, the Under Secretary of State, confirmed the same, adding, that Mr. Perceval had been consulted, and could not allow any petition to come forward. Thus, by a direct refusal of justice, with a *carte blanche*, to act in whatever manner I thought proper, were the sole causes of the fatal catastrophe---and they have now to reflect on their own impure conduct for what has happened.

It is a melancholy fact, that the warping of justice, including all the various ramifications in which it operates, occasions more misery in the world, in a moral sense, than all the acts of God in

a physical one, with which he punishes mankind for their transgressions; a confirmation of which, the single, but strong instance before you, is one remarkable proof.

If a poor unfortunate man stops another upon the high-way, and robs him of but a few shillings, he may be called upon to forfeit his life. But I have been robbed of my liberty for years, ill-treated beyond precedent, torn from my wife and family, bereaved of all my property to make good the consequences of such irregularities; deprived and bereaved of every thing that makes life valuable, and then called upon to forfeit it, because Mr. Perceval has been pleased to patronize iniquity that ought to have been punished, for the sake of a vote or two in the House of Commons, with, perhaps, a similar good turn elsewhere.

Is there, gentlemen, any comparison between the enormity of these two offenders? No more than a mite to a mountain. Yet the one is carried to the gallows, while the other stalks in security, fancying himself beyond the reach of law or justice: the most honest man suffers, while the other goes forward in triumph to new and more extended enormities.

We have had a recent and striking instance of some unfortunate men, who have been called upon to pay their lives as the forfeit of their allegiance, in endeavouring to mitigate the rigours of a prison. (Alluding to some recent trials for high treason, at Horsemonger Lane.) But, gentlemen, where is the proportion between the crimes for which they suffered, and what government has been guilty of in withholding its protection from me? Even in a crown case, after years of sufferings, I have been called upon to sacrifice all my property, and the welfare of my family, to bolster up the iniquities of the crown, and then am prosecuted for my life, because I have taken the only possible alternative to bring the affair to a public investigation, for the purpose of being enabled to return to the bosom of my family, with some degree of comfort and honour. Every man within the sound of my voice, must feel for my situation; but by you, gentlemen of the jury, it must be felt in a peculiar degree, who are husbands and fathers, and who can fancy yourselves in my situation. I trust that this serious lesson will operate as a warning to all future ministers, and lead them to do the thing that is right, as an unerring rule of conduct; for, if the superior classes were more correct in their proceedings, the extensive ramifications of evil would, in a great measure, be hemmed up,---and a notable proof of the fact is, that this court would never have been troubled with the case now before it, had their conduct been guided by these principles.

I have now occupied the attention of the court for a period much longer than I intended; yet, I trust they will consider the awfulness of my situation to be a sufficient ground for a trespass, which, under other circumstances, would be inexcusable. Sooner than suffer what I have suffered for the last eight years, however, I should consider five hundred deaths, if it were possible for human nature to endure them, a fate far more preferable. Lost so long to all the endearments of my family, bereaved of all the blessings

of life, and deprived of its greatest sweet, liberty, as the weary traveller who has long been pelted by the pitiless storm, welcomes the much desired inn, I shall receive death as the relief of all my sorrows. I shall not occupy your attention longer; but relying on the justice of God, and submitting myself to the dictates of your conscience, I submit to the *fiat* of my fate, firmly anticipating an acquittal from a charge so abhorrent to every feeling of my soul.

Here the prisoner bowed, and his counsel immediately proceeded to call witnesses, in order to prove a state of insanity.

The Lord Chief Justice, in summing up the evidence, pointed out those species of insanity which would excuse murder, or any other crime; but a person capable of distinguishing right from wrong, could not be excused.

The jury, after a quarter of an hour, brought in a verdict of *Guilty*.

The impressive and awful sentence of the law was heard by him without any apparent emotion.

On Monday morning, May 18th, a few minutes before eight, this wretched man appeared on the scaffold, perfectly resigned to his fate, and, in about two minutes, was launched into eternity.

CHARLES FREDERICK PALM, AND SAMUEL TILLING,

FOR MUTINY AND MURDER, 1812.

The Adventure sailed from Portsmouth in the month of November, 1811, and for a part of the time had a prosperous voyage; but one of the crew becoming sickly, and eventually dying, the captain put into the island of St. Thomas, and took on board two black men, who were named Joe and John. He then steered towards Congar, upon the coast of Africa, intending thus to make his voyage to the South Seas; but the crew soon began to shew strong symptoms of mutiny.

Henry Madis stated, about four o'clock in the morning, in April, (he could not recollect the day) a boy named George was at the

helm; and, the weather being sultry, the scuttle was taken off, and the window of the sky-light to the cabin open, he called to the captain, saying there was something bad going on upon deck. Captain Keith, who had already in vain attempted to conciliate his crew, instantly arose from his bed, and, without putting on his clothes, hurried to the deck of the ship. He there saw Palm, the second mate, in the act of striking a light. The captain said to him, Charles, what are you about? Palm made no answer, but struck him with the cooper's hammer, which he had ready in his hand. The captain said, "Oh, Charles, you have done for me." In the mean time, another man, since dead, attacked the chief mate, who had come on deck immediately after the captain, and struck him repeatedly on the head, with the cook's axe. Palm, and two other Swedes, took the active part in throwing the captain and chief-mate overboard; the chief-mate called out, Boat, boat! after he was in the water; but they heard no more either from him or the captain. After this, all hands went below, except the boy at the helm. Palm produced a Bible, and they all took an oath upon it, wishing they might *never see the light of heaven if they divulged what had passed.*

The boy left at the helm was afterwards sworn; and, after the bodies of the captain and chief mate had been thrown overboard, the two Swedes provided themselves each with a pistol and a glass of rum; the rum they offered to the blacks; and, whilst in the act of drinking it, each shot his man; one of the unfortunate blacks was shot dead, the other was only wounded, but both were immediately thrown overboard by Palm and the two Swedes. The wounded man swam and caught hold of the rudder; but Palm took a spade, and threatened to cut his hands off, upon which he let go, and they saw no more of him.

After this they plundered the captain's property, and Palm had a five pound bank note out of it. Palm then took charge of the vessel; but it was afterwards determined to scuttle the ship, and take to the boats, and steer for the coast of Guinea.

Two boats were prepared, and provisions put into them; the crew, amounting to eleven in number, got six into one boat, and five in the other; Palm and the deponent were in separate boats; they were three days and three nights before they reached land, and then one of the boats was swamped, and a boy was drowned; they then walked along the beach till night, when they lay down on the sand to sleep, and next day went into the country, till they saw some smoke rising among the trees; which they soon reached. The moment, however, they were discovered, the natives rushed upon them; and, with remorseless fury, seized

them, plundered, stripped them of their clothes, and led them off through the country to be sold as white slaves.

In this deplorable state they remained several weeks, traversing a vast extent of country, during which all of them died through disease, cruelty of the negroes, and fatigue, except Palm, Tilling, William Wright, (not apprehended,) and Henry Madis the witness. The survivors were marched, or rather driven, to Cape Lopez, a southern promontory of Africa, when the black chief released them, supposing they were shipwrecked mariners, and, after a short time, a Portuguese vessel touching there, Palm and Wright took their voyage to Europe in her, and in a few days, a Liverpool ship also touching there, Milling and Madis got a passage in her, and they were landed at Liverpool in September.

They were found guilty, and suffered at Execution Dock.

THE MARQUIS OF SLIGO,

FOR ENTICING BRITISH SEAMEN TO DESERT,

AT THE OLD BAILEY, Dec. 16, 1812.

After some conversation between the counsel, the indictment was read, charging the marquis with unlawfully receiving on board his ship William Elden, a seaman in the king's service, and detaining, concealing, and secreting him.

The second count charged him with enticing, and persuading to desert, the said seaman.

The third count, with receiving the said Elden knowing him to have deserted.

There were other counts with respect to other seamen, and a count for an assault and false imprisonment.

Captain Sprainger (examined by the attorney-general) stated, that in April, 1810, the marquis was introduced to him by letter from admiral Martin: his lordship appeared desirous of making a tour, and for that purpose hired a vessel called the Pylades; the witness gave him all the assistance in his power, by sending to him riggers, and carpenters, and gunners, who were lent to him for the

purpose of out-fitting his vessel, but still remained part of his (captain Sprainger's) crew. In the course of these transactions, his lordship passed and re-passed in a boat called the gig, which was rowed by four men, Charles Lee, Robert Lloyd, James Foljambe, and John Walker; who had belonged to the boat for three years, and were constantly in it. The defendant observed that they were fine clever-looking men. Afterwards, about a week before he sailed, he missed two of these men, which the more surprised him, as they were very trusty seamen, had never been absent or irregular, and, though frequently suffered to go on shore without a midshipman, had never in any instance abused this confidence. They had, besides, wages of three years due to them.

On the 13th, before he sailed, he went on board the Pylades, to see lord Sligo, and told him of the circumstance of his missing these two men, whom his lordship probably recollected. He was then about to communicate to his lordship some suspicions which his officers had suggested to him, when lord Sligo interrupted him, saying, "Surely he (captain Sprainger) could not think him so base as to take away these men, after the civilities shewn by him to his lordship." He further said, that some of the men whom captain Sprainger had lent to him had offered to desert, but that he refused to accept them. He then replied to lord Sligo, that he trusted he had not his men, and that he would not take them or any others from his majesty's service: but lest they should come to him, he (captain Sprainger) would leave a description of their persons, and take his lordship's word of honour that he would not receive them, but give them up to the commanding officer at Malta, who had orders to keep them till his return. He then left his lordship, having received his promise and word of honour, after observing to his lordship how serious a thing it was to entice his majesty's seamen. The fleet was at that time nearly 2000 below its number, and it was very difficult to procure a British seaman. He did not muster his lordship's crew: they seemed to be foreigners, in number about twenty or thirty. His lordship had proposed to take fifty men, as his vessel was to be a letter of marque: a few would have been sufficient for the purposes of navigation.—As soon as he reached the ship, he ordered the description of the two men to be made out, and it was sent to lord Sligo; he received no answer then, though he afterwards had a letter from his lordship. (The letter was produced.) He had never seen Lee or Lloyd since. (The letter was here read, in which lord Sligo stated, that in the course of his voyage he found that he had on board some men-of-war's men, and that he was determined to send them on shore the first opportunity; whatever expenses he might incur on their account, he should put down to the score of humanity, and glory in it; that he thought this explanation necessary to captain Sprainger, who had treated him like a gentleman; but the other captain, who complained, he should not notice; if the business was brought into court he should do the best to defend himself; and if he did not succeed, he had an ample fortune, and could pay the fines.) This letter was dated Constantinople.

William Elden, a seaman, who had been in the navy nearly thir-

ten years, and at the time mentioned was on board the Monmouth, off Malta, had a ticket on leave to go a shore there on the 13th of that month. In the morning, he and another seaman belonging to the Montague, four of them in all, were about going back to their ship, when they were accosted by two men in livery, and another, who was dressed in a white jacket. The men in livery were servants of the marquis of Sligo, and the other was the second mate of his lordship's vessel. They gave him drink, and so intoxicated him, that he knew not how to get on board the Pylades, where he found himself placed in the pump well, abaft the main-mast, when he recovered his senses; and there he also saw two more of his shipmates, and a stranger, who was in a sailor's dress. Witness then came on deck, where he saw Mac-Dermot, Thompson, Cook, Fisher, and Brown, on the deck; and he also saw lord Sligo on board that evening on deck; who asked him his name, when witness told his name, and that he belonged to the Montague. They were then two miles from shore. Next morning he again saw lord Sligo, being then perfectly sober, when he was walking the deck with a shipmate of the Montague, of which they were talking. Lord Sligo again asked their names, and they answered that they were Elden and Story, and that those were the names by which they went on board that ship; but Story told his lordship, that being men-of-war's men, it would not do to go by their own names, and lord Sligo immediately said, "Come to me and I will alter them." They went on the quarter-deck, and defendant gave the name of William Smith to the witness. A few days afterwards his lordship told him, that he would be useful in exercising the guns, to which he replied, That he saw none there who did not know the use of the guns as well as himself: he then saw nine men of the Montague there, Cook, Fisher, Brown, Story, Sullivan, Thompson, M'Dermot, and Travers. Lord Sligo took an active part in the management of the vessel, and assigned to them all their duties.

At Palermo, witness asked lord Sligo for leave to go on shore to get clothes; his lordship gave him five four-dollar pieces for wages; he went on shore and returned, not surrendering himself to any king's ship. At Messina he begged leave to quit the Pylades, and offered to return all the money and clothes he had received: his lordship would not suffer him, and foreign sentinels were placed in arms over them to prevent any from escaping. Lord Sligo at Palermo told the crew, that he had procured a protection from admiral Martin, having pledged his honour that he had no men-of-war's men on board. They were afterwards chased by the Active frigate and a brig, were brought to, and a king's boat came alongside. Lord Sligo then desired the witness to go below, who said, he would rather stay where he was; the rest were then below; lord Sligo left him for a few minutes; but returned and told him, he must go down; he then went down into the after-hold underneath the cabin, where were the rest of the seamen of the Warrior and the Montague; the hatch was closed over them, and a ladder placed at top. In about half an hour they were called up. They then proceeded to Patmos, where he and some more had leave of absence for a few days; and took a letter to his lordship from his

master, Llewellin. The next day he sailed without giving them any notice, and left him and six more in great distress; they were forced to sell their clothing; having nothing but what they stood upright in: they got a boat, but could not overtake the Pylades: they then went to Scio, and went with the British consul to the Pylades; but lord Sligo refused to take them in, and threatened to fire at them: he knew them very well, as they were all upon deck: he took four of them on board, the carpenter, the surgeon, the man of the Warrior (Lee,) and the sail-maker. The witness had been since tried, and sentenced to receive 200 lashes; but his punishment had been remitted.

Fisher, *Sullivan*, *Brown*, all belonging to the Montague, corroborated Elden's statement. Captain *Hayes* deposed to his having searched the Pylades, when the marquis declared, upon his word, no men were concealed on board.

Several witnesses, the first *James Needing*, a servant of the marquis, went to exculpate his lordship from any knowledge of the transaction.

The evidence for the defence being closed,

Lord *Ellenborough* recapitulated the whole of the evidence to the jury, and made many comments on the pledge which the marquis had given of his honour to the admiral, that there were no men-of-war's men on board, when, on the faith of that pledge, the admiral granted him protection for a crew of forty men.

After a short consultation in the box, the jury found his lordship guilty of all the counts in the indictment, except one for false imprisonment.

Sir *William Scott* then, after an impressive speech, passed the sentence of the court upon his lordship, which was—that his lordship should pay to the king a fine of 5000l. and be imprisoned four months in Newgate.

THE LUDDITES

OF THE MIDLAND COUNTIES.

A special commission was issued for the trial of some gangs of these men in Yorkshire, and opened by Baron Thompon, at York, on the 4th of January, 1813.

On the 5th the court proceeded upon the trial of John Swallow, John Batley, Joseph Fletcher, and John Lamb, for a burglary and felony in the house of

Mr. Samuel Moxton, at Whitley Upper: when the jury pronounced them all Guilty.

For many years the workmen of the manufacturing counties have supported their demands for increased payment by associations, and whenever they deemed it necessary to support their pretensions by acts of violence, they called themselves subjects of General Ludd, or Luddites. The chief locality of these depredations has been the vicinity of Nottingham, and thence the spirit has spread in Derbyshire, Leicestershire, and Yorkshire. The evidence produced against them, which, throughout the whole of the judicial trials, is nearly to the same effect—administering false oaths,—riotously assembling—destroying the frames and looms of manufacturers of hosiery, lace, and cloth, breaking into houses, robbery, and murder.

On the 6th George Mellor, of Longroyd Bridge, William Thorp, and Thomas Smith, of Huddersfield, were indicted for the wilful murder of William Horsfall, of Marsden, merchant and manufacturer, at Lockwood, in the West Riding of the county of York.

John Armitage being sworn, deposed,

He keeps a public house at Crossland Moor, called the Warren House; that Mr. Horsfall had, on the 28th of April, been at Huddersfield market, and on his return called at witness's house about a quarter past six in the evening; and had a glass of rum and water, treated two persons who were there, paid his reckoning, and rode away—did not stop twenty minutes at witness'; nor did he get off his horse. Between witness' house and Marsden there is a plantation belonging to Mr. Ratcliffe, and about a quarter of a mile from Warren House. About seven o'clock witness heard that Mr. Horsfall had been shot. Witness and the two persons whom the deceased had been treating went out together and found Mr. Horsfall about twenty or thirty yards below the plantation, sitting on the road side, bleeding very much. They got him down to Warren House as soon as they could, and Mr. Horsfall died there.

Henry Parr was at Huddersfield on the 28th of April last; was upon the road between Huddersfield and Marsden; and, after he had passed the Warren House, heard the report of fire-arms; saw a person riding before him; report seemed to come from Mr. Radcliffe's plantation; saw smoke arising at the same time, and four persons were in the plantation in dark coloured clothes; the person who was before witness on horseback, after the report, fell down on the horse's chine, and the horse turned round as quick as possible; Mr. Horsfall raised himself by the horse's mane, and called out murder. As soon as he called out murder one of the

four men got on the wall with one hand and two feet, and Parr set off to Mr. Horsfall at full gallop. Mr. Horsfall said, good man, you are a stranger to me; I'm shot. Mr. Horsfall grew sick; and blood began to flow from his side. Mr. Horsfall desired witness to go to Mrs. Horsfall's.

Benjamin Walker an accomplice, stated that the prisoners, George Mellor and Thomas Smith, worked with him at Wood's; and, in conversation about the attack on Mr. Cartwright's mill, Mellor said there was no way to break the shears—but to shoot the master. Mellor had a loaded pistol, and said he must go with him to shoot Mr. Horsfall. The pistol was loaded. Witness and the three prisoners went to the plantation. Smith had a pistol, which he shewed to the witness. Smith and Walker went together, and got to the plantation first—Thorp and Mellor came afterwards. George Mellor ordered witness and Smith to fire, if they missed Mr. Horsfall; witness did not fire, but heard Mellor say Mr. Horsfall was coming, and soon after heard the report of a pistol; they waited at a sort distance till the job was done.

The jury returned a verdict of guilty against all the prisoners.

On the 8th they were executed behind the Castle at York.

On the same day John Baines the elder, John Baines the younger, Zechary Baines, of the same family, the elder nearly seventy years of age, and the latter scarcely sixteen, John Eadon, Charles Milnes, William Blakeborough, and George Duckworth, all of Halifax, were tried for administering an unlawful oath to John Macdonald: and all, except the boy, were found guilty.

On the 9th James Haigh, of Dalton, Jonathan Deane, of Huddersfield, John Ogden, James Brook, Thomas Brook, John Walker, of Longroyd Bridge, and John Hirst, of Liversedge, were tried for attacking the mill of Mr. William Cartwright, at Rawfolds. Mr. Cartwright being apprehensive of an attack being made upon his mill, procured the assistance of five soldiers; and retired to rest about twelve o'clock, but soon afterwards heard the barking of a dog. Mr. Cartwright arose; and, while opening the door, heard a breaking of windows, and also a firing in the upper and lower windows, and a violent hammering at the door. Mr. Cartwright and his men flew to their arms; a bell, placed at the top of the mill, for the purpose of alarming the neighbours, being rung by one of his men, the persons inside the mill discharged their pieces from

loop-holes. The fire was regularly returned on both sides. The mob called out, bang up, lads, in with you, keep close; d——n that bell, get to it, d——n 'em all. The numbers assembled were considerable. The attack continued about twenty minutes. The fire slackened from without; and they heard the cries of the wounded. The men that were wounded were taken care of. They afterwards died. An accomplice named W. Hall, was one of those connected with Mellor and Thorp, and assembled with many other persons, by desire of Mellor, in a field belonging to Sir George Armitage, bart. on the night of the 11th of April. They called their numbers, remained there some time, and then marched off: Hall's number was seven. Mellor commanded the musket company, another the pistol company, and another the hatchet company: they were formed in lines of ten each. Two of the men were to go last, and drive up the rear.—Some had hatchets, some hammers, some sticks, and others were unarmed.

Another accomplice gave a similar testimony.

The jury found James Haigh, J. Dean, John Ogden, Thomas Brook, and John Walker, Guilty.

On the 11th J. Hay, John Hill, and William Hartley, were next tried for a burglary in the house of Mr. George Haigh, of Sculcoates; and found Guilty.

On the 12th James Hay, Joseph Crowther, and N. Hayle, were found guilty of taking from James Brook a promissory note of one pound, and some silver and copper coin.

On the 14th the grand jury inquired if any other bills were prepared.—Mr. Parke replied, that his learned friends and himself had examined the different cases which had been presented; and, considering that many of these people had acted under the influence of other persons, they had, in the exercise of that discretion confided to them by the crown, declined, at present, to present any other bills. Several prisoners were, in consequence, admitted to bail, on entering into recognizances, the prisoners in 200l. e ch, and their bail in 100l. each.

Mr. Baron Thompson then passed judgment on the prisoners.—Fifteen to suffer death; six to be trans-

ported for seven years; sixteen were discharged on bail; and sixteen were discharged without bail.

On the 16th the fifteen were brought to the place of execution, and suffered the unsparing severity of the law, in terrorem to others.

HENRY WHITE, JUN.

FOR A LIBEL ON THE DUKE OF CUMBERLAND,

March 5, 1813.

THIS was an information filed by his majesty's attorney-general against the defendant. The first libel was in the form of a letter, addressed "To the duke of **********," with this motto, "*Qui capit ille habet;*" and signed *Philo-Junius*. It commenced with observing, that no doubt a "*dignified retreat*" had been prepared for his royal highness abroad; and that he was then possibly solacing himself with the idea of becoming a splendid transport. But before his royal highness was *off*, the writer expressed his wish to put "a few home questions" to him. The writer then went on to observe, that if those questions were answered fairly, he should be satisfied; but it was for the interest of society that *great men* should be *good*. He looked only for goodness; he could not venerate the adulterer, though he might be dressed in ermined robes, nor the murderer, though he might wear a coronet. The veil had been drawn aside—he was the subject of observation in every pot-house and night-cellar. It was a matter of publicity that his royal highness' life had been attempted by a domestic; for which attack that servant had by some means forfeited his own life. Soon, however, after this event, the writer had reasons, from circumstances, to doubt the correctness of the fact found by the coroner's inquest; namely, that Sellis met with death by his own hands; and it was with the earnest desire of putting these doubts at rest, that the writer now gave his royal highness the opportunity of answering a few home questions! The "few home questions" were of the following tendency:—

First, was not the report well founded, that it was not till repeated attempts had been made, that a jury could be found sufficiently hardy to say that Sellis was his own executioner? Secondly, was not the razor, with which it was concluded that the business was done, found at a great distance from the body? Thirdly, was not the coat of the domestic, drenched with blood, found on a chair at a considerable distance from the body? Fourthly, whether the basin was not placed deliberately at the side of the bed, evidently for the purpose of catching the blood? Fifthly, whether the body was not nearly cold when found? Sixthly, whether Sellis was not troubled with such an asthmatic cough that it would have been impossible for him to conceal himself for more than half an hour without betraying himself. Seventhly, as to the situation of the slippers in the closet in which it was supposed that he concealed himself? Eighthly, was not the neckcloth cut in pieces in such a way as to militate strongly against the idea of the deceased having cut his throat? From the foregoing circumstances this inference might be drawn,—that Sellis did not cut his own throat.—

The writer presumed, if these home questions were answered at all, that they would be answered in the affirmative !—Such being the case, nothing could resist the inference that Sellis was not his own murderer, from the deliberate arrangement of the clothes, the body, the basin, &c. the latter being placed as if to save the blood for ulterior purposes. Such was the story—but it was a foul business at best. It, however, should be fathomed. Philo-Junius next observed, that he had only been able to discover one trait of any thing like kindness or tenderness in his royal highness' conduct, namely, in not suffering the mangled remains of his servant to be buried in cross roads to satisfy impertinent curiosity. The farce, it was true, had been well performed, and with admirable theatrical effect. As to the rites of the church not having been performed over those mangled remains, he was not inclined to find fault on that account; believing, as he did, with firm and true christian faith, that the better part of Sellis would find its way to those regions where it would not meet with another rencontre with

his more than ——— master. Such was the first libel: the second also purported to be a letter, referring to the first libel, and was addressed to the editor. It expressed how much "shocked" the author had been at the first noticed letter, as he "had never entertained any doubt about the ——————— being the murderer of Sellis!" &c. &c.

Sir William Garrow, as counsel for the prosecution, made a short speech.

For the defendant, *Mr. Scarlett* addressed the court at considerable length. He commented on the language of the libel, and endeavoured to urge that no inuendo could be drawn from it, whereby any imputation could be cast upon the duke of Cumberland, to the effect which the information set forth. He argued with considerable ingenuity, that it did not follow (even if it were true that Sellis had not committed suicide), that therefore the duke of Cumberland had caused his death. All he contended the publication meant, was merely that rumours had announced some suspicions that Sellis did not destroy himself; but it never went the length of asserting that the royal duke was privy to his destruction; on the contrary, it merely so stated the rumour, and expressed nothing that could give it the colour of imputing so foul an act to that illustrious personage, and he therefore denied that the solicitor-general was warranted in giving inuendoes to the publication which it did not in his judgment convey; but he admitted that the jurors were the proper judges of that fact. To illustrate his reasoning, he appealed to several intermediate publications of that paper, which appeared between the 30th of August and the 27th of September, all of which, he contended, went to demonstrate that so far from imputing such an act to the duke of Cumberland, they were all so many arguments to assert the honour and purity of that royal personage.

Lord Ellenborough summed up for the jury, and said it would be for them to determine whether they had any doubts that the libels meant to accuse the duke of Cumberland of having had a guilty concern in the death of Sellis. His lordship thought it was impossible for any one to peruse the libels without hav-

ing the firm conviction on his mind that they had been written "for the distinct and unequivocal purpose of maintaining that Sellis did not die by his own hands, and that the duke of Cumberland had been concerned in accomplishing such death." The "home questions," for instance,—did they not directly and unequivocally allude to the alleged fact, "that the duke had some criminal connexion with the death of Sellis?"—But before he was "off," the writer said, he would put a few questions to him. What! was it to be endured that this journalist should erect his tribunal and that he should summon whom he pleased before his spurious jurisdiction, while the laws of the land were in full operation? Was such a spurious jurisdiction to impute crimes, and then to be suffered to put a string of questions to the accused? He knew it was much the habit of the journals of these times to erect themselves into tribunals; and to call on every man to whom they chose to impute a crime to obey their tyrannic despotism, and to answer to the charges preferred against them. He would declare, that sooner than submit to be catechised in this way, he would rather live under the arbitrary rule of the tyrant of France; for he should deem that preferable to living under the arbitrary despotism of those journalists. It was his duty to pronounce a character upon the libels, and he did so by pronouncing those now before them to be most atrocious and notorious libels.

The jury almost immediately returned a verdict of guilty: and on the 24th of May the defendant was again brought before the court and sentenced to be imprisoned in Newgate fifteen calendar months, and to pay a fine of 200*l*.

PHILIP NICHOLSON,

FOR THE MURDER OF MR. & MRS. BONAR, AT MAIDSTONE,

August, 1813.

PHILIP NICHOLSON, the murderer of Mr. and Mrs. Bonar, was born near Belfast, in Ireland, but quitting

that country, he enlisted in the 12th dragoons, and being a smart active young fellow, was chosen for an officer's servant: being wounded in action, he contrived to obtain his discharge, and a pension of nine-pence per day.—Having a good character from his officers he procured a situation as servant with the city remembrancer, and from thence got into Mr. Bonar's family as footman. His father was also a pensioner, and had lately come from Ireland to receive his pension in Chelsea, where he resided, and worked at hay-making. Philip Nicholson, called a few days before he committed the murder at the house of Mr. Munro, a respectable publican in Jew's-row, Chelsea, which his father frequented, and to whom both were known. He sent for his father, to whom he brought a bundle of clothes, some cold roast beef wrapt up in paper, and paid his score in the house. After he quitted the house his father inquired of Mr. Munro if his son had ordered him any weekly allowance until he received his pension; he was answered that he had not; when his father made use of this remarkable expression, D——n him, the rebel, he was a rebel in Belfast, and long since deserved the gallows. The wretched man was a catholic, and much bigotted; he constantly attended mass. Whilst he was in the public house the conversation turned on the catholic bill. He lamented much the fate of it in the House of Commons, and cursed those who opposed it: it is said that when he waited at dinner on his master, Mr. Thomson Bonar, the day after the bill was lost, he heard Mr. Bonar express his high satisfaction at the result, and it has been thought Nicholson was resolved to be revenged on him; but it appeared from his own declaration that this was not the case.

Mr. and Mrs. Bonar resided in a handsome mansion, called Camden Place, at Chiselhurst, in Kent. Mr. Bonar was partner with Mr. Angerstein, the eminent insurance broker, and both were distinguished for their benevolence and philanthropy.

On the Sunday evening preceding the murder (May 30, 1813,) Mr. Bonar went to bed at his usual hour; but Mrs. Bonar did not follow him till two o'clock,

when she ordered her female attendant to call her at seven. The servant at the appointed time went to the bed-room of her master and mistress, who usually slept with their door open at this season; but she found Mr. Bonar mangled and dead upon the floor, and her lady wounded, insensible, and dying in bed. A bent poker which was lying on the ground, and the fractured condition of the heads of the unfortunate victims, too plainly denoted with what instrument the act had been committed.

As there were some remains of life in Mrs. Bonar, servants were sent express to town for surgical assistance; but they arrived too late; the wounds were mortal, and she expired at one o'clock, having, during the whole previous time, been insensible, and only once uttering the exclamation of Oh dear!

Such a scene of horror as the bed-room presented had seldom been witnessed. The first object was the dead body of Mr. Bonar, with the head and hands dyed in blood: the skull being broken into fragments, in two or three places; and there was a dreadful laceration across the nose, as if effected by the edge of the poker. His hands too were mangled in several places, apparently by the same instrument, and there was a severe wound on the right knee. From the numerous wounds on the body of Mr. Bonar, the swollen state of his mouth, and the convulsive adhesion of his hands and knees, it was clear he had struggled with all his force against his assassin.—His night-cap, which lay a few paces from the head, was drenched in blood, with a lock of his grey hair sticking to it, which seemed to have been struck from the skull by the violence of the blow of the poker. The pillow of his bed lay at his feet also covered with blood. The manly athletic person of Mr. Bonar (for though seventy he was still a powerful man,) gave an increase of horror to this afflicting sight. The view of Mrs. Bonar, though equally distressing, excited more pity than terror; though her head had been fractured in a dreadful manner, yet there was a calm softness in her countenance, more resembling a healthy sleep than a violent death; it might have been supposed that her life had parted from her without one painful effort. The linen and pillow of

the bed in which she lay were covered with blood, as was also the bed of Mr. Bonar. They slept in small separate beds, but placed so close together that there was scarcely room for a person to pass between them.

About seven o'clock in the evening, Mr. Bonar, jun. arrived from Faversham, where he was on duty as colonel of the Kent local militia. In spite of the efforts of Mr. Angerstein, jun. and some other gentlemen, he rushed up stairs, exclaiming, "let me see my father: indeed I must see him." It was impossible to detain him; he burst into the bed-chamber, and immediately locked the door after him. Apprehensions were entertained for his safety, and the door was broken open, when he was seen kneeling with clasped hands over the body of his beloved father.

Yet it appeared that there had been no attempt at robbery, and no motive could be imagined for the assassination of two persons who were universally beloved by all who knew them. No part of the house had been broken open, but the house door was found open in the morning. Mrs. Bonar did not retire to bed till two o'clock; and at four o'clock a washer-woman let herself in. None of the servants had been alarmed by any cries in the night, but their division of the house was at some distance from the wing in which Mr. and Mrs. Bonar slept; and though the room was covered with blood, there was no trace of a bloody footstep, and only one or two drops in the anti-room or hall.

About seven o'clock in the morning, when the alarm was first raised among the servants, the footman, Philip Nicholson, was sent express to London on one of the best horses in the stable. He went first to the house of Mr. Astley Cooper, in Broad Street, thence to the Red Lion, near Bedlam, where he saw one Dale, a man who had lately been discharged from the service of Mr. Bonar, and to whom he thus expressed himself:—*The deed is done, and you are suspected: but you are not in it.* He then proceeded to the office at Bow Street to give information of the murder, and stated that he had seen Dale at the Red Lion, when his insinuations induced the officers to go after Dale. Nichol-

son appeared intoxicated at the office: indeed he had been seen to take three glasses of rum at the half-way house. The officers then directed him to follow them, but they soon lost sight of him.

Dale, to whom the officers went in consequence of what was said by Nicholson, had been butler in the family, and was discharged about a fortnight previous for such ill conduct that Mrs. Bonar wished to have him prosecuted, but Mr. Bonar was content to dismiss him. He underwent an examination before the magistrates, but was dismissed, because he had clearly established an *alibi*, proving that he was at the Red Lion from eleven o'clock on Sunday evening till six o'clock on Monday morning. He was therefore suffered to return to his wife, who resided at Chislehurst.

Suspicion having now fallen on Philip Nicholson, owing to his incoherent language and conduct, and to his not returning direct to Chislehurst, a warrant was granted by the lord mayor for his apprehension, and one of the city officers went in quest of him. After diligent inquiry he was found, on horseback, drinking at the inn door of the Three Nuns, in Whitechapel. A smart scuffle ensued, in which Nicholson received some bruises, but he was secured, and conveyed to Giltspur-street Compter. He was now in a state of intoxication approaching to insanity.

Next day he was brought to the Mansion-house, and it appeared that he had conducted himself since the death of his master and mistress in the most unfeeling manner. He said, that the night preceding the murder he went to bed about twelve o'clock, and knew nothing of what had happened until called up by the housemaid about eight o'clock next morning, and that he had fastened some of the windows inside at the usual hour, while the rest were attended to by the housemaid.

It further appeared that on the murder being discovered, and the servants assembled, he with others went to the room where his master and mistress lay. The former was found quite dead, in a mangled state, and the latter just evinced signs of life; he himself

ascertained the fact by placing his ear near to the mouth of his mistress. The floor was covered with blood and other matter. He then took the sheets from his master's bed and with them wiped the floor, and having done so he took the bloody linen to the room where he slept. The groom was present, and assisted him to pull the upper sheets from his own bed to fold with those of his master's, and he then put them altogether under his own bed.

Upon this point he was closely pressed by the lord mayor, and was desired to explain his motive for using the sheets to absorb the blood, and then afterwards to fold them in the linen from his own bed, when he ought to have known that in such cases nothing should be disturbed about the persons of the deceased. He answered he was ignorant of that; what he had done was with the best intention, conceiving as he did that so horrid and unpleasant a sight would have been offensive to any person having occasion to enter the room. The other servants he admitted, would touch nothing. His night shirt, he said, he left in his bed when he got up, and it might be found. He was then asked as to a foot mark in blood which appeared on the stairs leading from his apartment to that in which the murders were committed, and he said, if there were any, it might have been done when he went backwards and forwards with the soiled sheets; but he was told that the mark had been seen before he left his room in the first instance. He was then stripped and examined in a private room, in order to see if he had any bruises about him, which he might have received in the conflict with Mr. Bonar. Trifling bruises were found on his person, particularly one on his forehead; but those were explained to have been received in the scuffle with the city officer.

On being questioned as to his conduct on the way to town, the prisoner admitted that he left Chislehurst a little after eight o'clock, and that he refreshed himself and the horse three times on the road, himself with three glasses of rum, and the horse with three pints of porter; and notwithstanding this it appeared, both from his own admission and from information

derived from Mr. Astley Cooper, that he performed the journey of twelve miles in about forty minutes.

After giving information at Bow Street, instead of returning home to Chislehurst, he repaired to Whitechapel, to call on his friends, with whom he was making merry when he was taken into custody. He was now sent to Chislehurst in care of two officers to give evidence before the coroner's jury.

The inquest closed their sitting at one o'clock on Wednesday morning, and retured a verdict of *Wilful murder against Philip Nicholson, the footman,* and at twelve o'clock news was brought that he had cut his throat. He had secreted a razor from the butler's pantry, where he was first confined, in the pocket of his small-clothes, and had cut his throat whilst in the water-closet. A surgeon who attended the inquest immediately sewed up the wound. The gash was s deep and he bled so copiously that it was supposed he could not live many minutes. The wound was so large that the head was almost severed from the body. He was able to speak though he would make no confession, but persisted in declaring his innocence, and appeared calm and composed during the whole period that he was sensible.

On Monday the 7th of June he confessed himself to be the perpetrator of the murder. On that day he was visited by lord Castlereagh, lord Camden, lord Robert Seymour, and others, and showed repeated symptoms of annoyance and agitation, which caused his wound suddenly to bleed afresh, and the hæmorrhage being of an alarming nature, Mr. Bramston, a Romish priest came to him. On Tuesday morning Nicholson voluntarily requested Mr. Bramston to bring Col. Bonar to him immediately, when Nicholson bursting into tears, expressed his wish to make a full confession; and he made, and afterwards signed, a deposition, acknowledging himself to be the murderer. In consequence of his information search was made for his bloody linen, and it was found in a laurel bush close to the house, covered with leaves, the stockings were very bloody, and the shirt was rent almost to rags about the neck and front.

He was tried at the following Maidstone assizes for

petty treason. The indictment differed from a common indictment for murder, by an averment, stating that Nicholson was servant to Mr. Bonar, and that he *traitorously*, as well as feloniously murdered his master. He pleaded not guilty, in consequence, he said, of the persuasion of several persons.

The first witness called was *Mary Clarke*. At half past seven o'clock the housemaid waked her and told her there was a bad smell in the anti-room coming from the bed-chamber of her mistress, and asked the witness whether she had lit the rushlight, which was gone, and whether she had locked the door of the anti-room on the outside: at the same time she told the witness that there were footmarks in the anti-room. Witness immediately was much alarmed, and cried out (as she was told, for she was too much agitated to have any recollection of the circumstance) that there had been murder. The unusual circumstances which had been mentioned to her induced her to think that something dreadful had been done. She went up stairs with the housemaid, and knelt down on the floor of the anti-room, to see what the marks were, and thought they looked like blood: she did not know whether she then looked into the bed room; but thought she did, and saw the toilet thrown over and some things lying on the floor. Witness then went to the wash house, to the laundry maid, and asked her to go back with her, to see what was the matter; they proceeded together to the bed-room, when the laundry-maid went in and opened one of the window shutters, and, on looking back, she clapped her hands together and screamed: witness saw the bed-clothes and other things on the floor: she then ran down stairs, leaving the laundry-maid behind: in the servants' hall, she saw the coachman, who made her sit down, as she was fainting: when she recovered herself she saw the footman, Nicholson, coming into the servants' hall with what she thought were bloody sheets in his hands; he took a sheet from his bed, and folded the bloody sheet or sheets in it: the footman then said to witness, Mrs. Clarke, go to your mistress, she is still alive, perhaps she may be recovered; she then ran up stairs, and saw her master's body covered with, she believed, a blanket, on the floor; her mistress was in bed, and still breathing; did not see her mistress afterwards till she was dead.

Susannah Curnick was next sworn; she rose about half past six, leaving Mrs. Clarke in bed: in passing through the hall she observed the house door about half open, a circumstance she had never seen before; she shut the door, and then went to the lawn door, which was shut, but the shutters were open. The window shutters in the library were closed; she then went into the drawing-room, where all the windows were shut but one in the centre, which was wide open: she went up stairs and found the anti-room locked, with the key outside; she opened the door, and saw footmarks on the floor, and the rushlight was not in its stand. She then repaired to her own room to call Mrs. Clarke, to whom she

told the circumstances which she had witnessed. Mrs. Clarke exclaimed in great alarm and agitation, then my master and mistress are murdered! She helped Mrs. Clarke on with her gown, and they went together to the bed-room. Mrs. Clarke was afraid to go in, and witness did not go in, as she had never been accustomed so to do. They knelt down and saw that the footsteps were bloody. They then went together to the pantry. Witness did not go up again till after the footman came down with the sheets. The footman cried out for assistance, saying his mistress was not yet dead. The footman left the bundle in the hall, and said he would go to Mr. Astley Cooper, and for his master's partner, as he said he was the fittest person to know what had happened. He then went down the yard with the coachman. The poker in the bed-room lay between her master and the blanket, on the floor. Had never seen any thing particular in the footman's conduct. Saw him both before and after the discovery in the morning, and he appeared sober.

Penelope Folds had been laundry-maid in the family fifteen years. She rose a little after four o'clock on the Monday morning, and soon after the washerwoman came, who let herself in by the laundry door. About half past seven Mrs. Clarke came to witness in the laundry, and said she was afraid something was amiss; and asked the witness to go up stairs with her. She did so, and went into the bed-room, and opened part of one of the window shutters. She saw her master's body lying on the floor, and blood on her mistress's pillow. She came down stairs and went up again, when she saw the footman covering her master with a blanket; he said that Mrs. Bonar was still alive; he was the first who made this remark: it was not made to him: he said he must go to town, though she desired him not to leave the house without a man in it.

William Evans, the groom, had been in the service of the family since December. He was in the house till after twelve o'clock on Sunday evening, sitting with the footman, and never saw him in better humour. He had never heard him say any thing disrespectful of his master or mistress, except now and then an angry expression at being overworked,—such as "D——n the old woman, she wears me out." He said that he saw the footman dabbing the sheets in the blood, at the foot of the bed.

W. Randall had been coachman in the family for eight years: slept over the stables; came to the house about half past seven, and went to call Nicholson; found him sitting on his bed side; and almost immediately heard the cry of murder from the female servants. It was not long before he saw Nicholson come down stairs with bloody linen, and wrap it up in a sheet in the servants' hall. The footman was a very quiet, good fellow servant, but used, when he had money, to get drunk The rest of the servants observed they could not have handled the sheets as Nicholson did. Nicholson was very anxious to go to London, and would have a horse. Coachman thought Nicholson wild-looking when he went away, and appeared as if he could not ride, though he had been in the dragoons.

Charles King had been a labourer for seven years in the family;

came to work at between five and six on Monday morning; came to the house about twenty minutes after six, got into the house by the laundry, went into the hall, and found the front door open. Philip was then in bed; he went to him and said, How is it you sleep with the door and window shutters open? He answered, I did not know that they were open. I am sure he was in bed with his shirt on.

Lavender, the Bow-street officer, stated, that he arrived on Monday about one o'clock; he found a pair of shoes by the side of the footman's bed, which he compared with the traces in the anti-room, and, as he thought, the impression corresponded with the shoes: the shoes were not fellows; a night cap was found on the footman's bed, with some stains apparently bloody.

Foy, of Marlborough-street, compared the shoes, which he had found on Tuesday morning in a closet in the servants'-hall, with the foot traces, and found they tallied: the shoes were odd; one common heeled, and worn at the toe; the other with a spring heel, as was the case with the shoes which Lavender found; there was blood both on the soles and the upper leather. He had shewn them to Nicholson, who acknowledged them to be his, and said he believed one of them had slipt off in the room from which he fetched the sheets. Foy found them together in the cupboard. Nicholson had also acknowledged the night-cap, and said he supposed the bloody stains came from the blood on the sheets.

The groom was called again, and said he found the shoes that morning in the closet where he went to look for a stick to beat Mr. Bonar's coat; he saw they were bloody, and shewed them to King, and then put them back again.

The poker was then produced: it was bent in the upper part: it was a common kitchen poker, about two feet four inches long.

The examination being concluded, his confession was read, which corroborated their testimony.

Declaration of Nicholson.

I, Philip Nicholson, to clear the innocence of others, and tell the truth of myself, I committed the murder.

Question by Mr. B.—Had you accomplices?—No, sir, I would tell you if I had.

I do not mean accomplices in the room, but others?—No, sir, I did not know it myself five minutes before.

Explain how it happened.—I was sleeping upon the form, and waked about three o'clock; I put the sheet around me, and took the poker from the hall grate, and a lighted candle in my hand from the hall.—I entered the room, I looked about when I entered and gave my mistress two blows; she never moved. I left her, and went round to master, and gave him two or three blows; and he said, Come to bed, my love, and then he sprung from the bed and seized hold of me. I hit him in the struggle about the arms and legs; we struggled fifteen minutes or better, he was very near getting the better of me; I got him down by force, and left him

groaning. I went down to wash my hands in the sink of the butler's pantry, and opened the house-door, and drawing-room windows.

What motive had you?—I had no bad intention I did not know what provoked me to do it, more than you do.

You were heard to complain of going so much behind the carriage?—Yes; but I never thought of doing it from that.

Did you ever feel resentment for going so much behind the carriage?—No, sir; I never thought much about it.

Had you thought or talked of this murder when you were drinking with the groom the night before in the hall?—No: I never thought of it myself, or had any idea of it myself.

How long was it after you waked that you went up stairs?—I jumped up; I was half undressed when sleeping upon the form; I undressed, and put the sheet about me.

Why did you put the sheet about you?—That they might not know me.

When did you drop the sheet?—In the struggle: I had it on when I gave the first blow.

By Mr. A. C.—Did Dale, the butler, know any thing about it?—No, sir.

Did any of the maid servants know any thing about it?—Not a word.

Why did you go to Dale in London?—Nothing particular.

Was it your intention to take any thing away?—No, sir.

What was your intention?—Nothing particular: but when I went into the room I saw my master and mistress asleep, and I gave her two blows.

Were you drunk when you went to bed?—No, sir, I had drank nothing but beer. I had not had a drop of spirits all day.

Had you at any former time thought of this murder?—No, sir. I never thought of such a thing in my life.

What did you do with your bloody things?—My shirt, neckcloth, and stockings, I put opposite the hall door, in the shrubbery, under some leaves, near the little gate. The breeches I kept on all day. When I waked from the form, I only took off my waistcoat.

What did you wipe your hands with?—With the sponge in the sink, which I left there.

What did you do with your shoes? Did you put them into the wood closet?—I might; but I do not remember.

What did you do with the rushlight?—I threw it into the coal closet.

Why did you take the rushlight?—It was dark in the house.

Why did you think it was three o'clock?—By the break of day.

Why did you open the shutters of your room?—To shew me light.

Was it to see your clothes?—No, I had seen them by the rushlight in coming down stairs.

Did you go to sleep after committing this act?—I went to bed, but could not sleep. I was awake when King entered the room.

In the presence of Almighty God, thinking I am on my death-

bed, I hereby declare this to be my voluntary confession, to prevent innocent people being accused of this circumstance.

(Signed) PHILIP NICHOLSON.

Mr. Justice Heath then summed up the evidence: he said he never knew a case more clearly proved. The jury immediately returned a verdict of guilty.

Immediately after the sentence the prisoner put in a paper, and desired it to be read.

"I acknowledge, with the deepest contrition, the justice of the sentence unto death which has been just passed upon me. Yet, alas! what satisfaction can I make to the afflicted family of my master and mistress, whom, without any provocation, I so barbarously murdered?—I can make none beyond the declaration of my guilt, and horror of soul that I could perpetrate deeds so shocking to human nature, and so agonizing to the feelings of that worthy family. I do most solemnly declare, and I desire this declaration to be taken as my dying words, that I alone was the base and cruel murderer of my master and mistress; that I had no accomplice; that no one knew or could possibly suspect that I intended to perpetrate those barbarities; that I myself had no intention of committing those horrid deeds, save for a short time, so short as scarcely to be computed before I actually committed them: that booty was not the motive of my fatal cruelties; I am sure the idea of plunder never presented itself to my mind: I can attribute those unnatural murders to no other cause than, at the time of their commission, a temporary fury from excessive drinking."

So anxious was Colonel Bonar to get from the wretch his very dying words, as to whether he had either motive or accomplice, that a person was deputed to ascend the platform after the cord was round the prisoner's neck, and to ask him the following questions:—

Q. Now that you have not many moments to live is all that you have stated, namely, that you had no motive that you can tell of, nor had you any accomplice, true?—*A.* All that I have stated is true.

Then there is no creature living on earth who had any thing to do with the murder but yourself?—No, no one.

You had no accomplices?—None.

Had you any antipathy to either your master or mistress before you committed the horrid murder?—Clasping his hands together as well as his heavy irons would permit him, As God is in heaven, it was a momentary thought, as I have repeatedly declared before.

WILLIAM CORNWELL,

FOR THE MURDER OF MRS. STEPHENS.

August 9, 1813.

Mrs. Stephens was seen in her shop at Woodford, on Saturday night about ten o'clock, sitting behind her counter; and about eleven o'clock, a female who occupies the adjoining house, heard Mrs. Stephens's door bang to with great violence; and she immediately heard some one run away.

When discovered, Mrs. Stephens was lying upon her face on the floor behind the counter, and a bloody knife upon a wooden bench, within a yard of the place. The murder was not discovered till Monday morning, when suspicion arose from the windows remaining closed. It was supposed she was in the act of settling her week's account, when the villain entered, as her slate was by her. The halfpence were counted up, and left, but the silver and notes had been taken away.

It having been ascertained that she had been robbed of a new silver watch, maker, Thomas Ridley, No. 1544, it was described in several newspapers, after the murder, and it led to the discovery. One William Cornwell had worked as ostler at the Red Lion Inn-yard, in Holborn, but left in consequence of being in debt. He afterwards called in at a public-house near Lincoln's Inn Fields, when on the landlady upbraiding him for leaving the neighbourhood without paying his score; he proposed to give the landlord his watch for a 1*l.* Bank note, and to clear off his score of 14s. He afterwards proposed to give the watch and take Mr. Davis's old metal watch, and clear his score, provided he would give him half-a-crown, which was agreed to. On Monday morning the advertisement describing the watch appeared; and the landlord gave information at Bow Street of the discovery. Cornwell was in consequence taken at Woodford, and the way in which he accounted for having possession of Mrs. Stephens's watch was, that he found it on Sunday morning after the murder, at four o'clock, close to the pond near the Castle Inn, when he went to get water for his horses. On the Monday, he said, he ascertained that it was Mrs.

Stephens's watch, but did not inform any person, not conceiving that he had any occasion to do so, and that he had as much right to it as any other person; but he went to London on Wednesday, with an intent to dispose of the watch, and get some clothes. He also confessed that he had been at Mrs. Stephens's shop on the Saturday evening of the murder, and had seen her in the shop about nine o'clock, previous to her shutters being put up.

The officer then proceeded to the stables of which Cornwell had the care. On a corn-binn he found a pair of corded breeches, which had evidently been stained with a considerable quantity of blood, and had since been washed. In another part of the stable he found a jacket, which had been washed in a similar manner. He took the articles to Cornwell, at the Castle Inn; he owned them all except the jacket, which he said was his master's, but that he occasionally wore it; the stains on it were from a liquid with which he washed his horses' mouths. And the blood on the breeches was, he said, occasioned by bleeding a horse. When taken before the magistrate, every person's countenance except his own was serious and fixed; but he appeared smiling during the whole time; and he did not change countenance when the strongest circumstances were stated against him.

He was tried at Chelmsford, August 6, and after a very laborious and patient investigation, which occupied the court nearly six hours, he was found Guilty. The evidence, although merely circumstantial, was nevertheless so conclusive, being supported by various corroborative circumstances, as detailed at length by 18 witnesses for the prosecution, that the jury returned their verdict without a moment's hesitation. He exhibited the same levity and hardihood during his trial, which he had shewn during the examinations, always persisting in his innocence: and upon the judge pronouncing the awful sentence of the law, with a convulsive grin, he said, "Thank you, my lord, and gentlemen."

The judge complied with a request of the magistrates, that he might be executed at Woodford; and upon his arrival there, he was placed in a private room with

the Rev. Mr. Kebbel; and notwithstanding the zealous endeavours of that gentleman, he not only declined making any confession, but also stedfastly refused to join in prayer, confining himself to the same expression he had constantly used prior to his conviction—"That he had nothing to say, but was innocent of the crime for which he was going to suffer." And these were also the last words he uttered under the gallows.

WILLIAM STURMAN,

FOR ARSON,

February 19, 1814.

WILLIAM STURMAN was indicted for having feloniously and maliciously set fire to his own house, with intent to defraud the Globe Insurance Company, &c. There were other counts in the indictment, setting forth the malicious intent as affecting the neighbours on each side the prisoner's house, but it was on the first alone that he was tried. A model of the house was in court for the purpose of explaining some parts of the evidence to the jury. Mr. Gurney conducted the prosecution; and Mr. Alley and Mr. Adolphus were counsel for the prisoner.

Mr. Gurney having stated the facts generally, proceeded to call

Mary Wright, servant to the prisoner, who lived at No. 9, Half Moon-street, Picadilly. He had a wife and child, and those were all the persons in the house. She had lived with him eight days. On the 11th of January, at nine o'clock in the morning, her mistress said to her she was going out to dinner, and that she might go out for a few hours after she had shut up the house. Mrs. Sturman went out about half-past twelve o'clock. The prisoner told her, (the witness) to fetch some seed for a canary bird, which she did. He then shewed her how to unlock one of Bramah's patent locks which was on the front door. He told her to be home at half-past eight o'clock, to leave all safe, to have a fire ready, and to leave a lamp in the passage, which she did. When she went out at four o'clock she barred the shutters, but did not draw the curtains. All the fastenings were secure when she went out. She returned at twenty minutes before eight, and found the house in flames. The door-posts of the back dining room were on fire, there were also some boards on fire which were lying against the door-posts, and which used to be kept in the wine cellar, of which her master had the key. On the other side

of the posts were papers and bundles of wood, with the strings cut. In the front parlour was a band-box, brought from Mrs. Sturman's room, full of wood and papers, close to the partition. There were also some wooden steps, and three clothes horses, which had actually been kept down stairs in the wash-house. There were stockings of her master's scattered about the stairs, and rags which she had used in dusting the tables. These smelt very strong of turpentine, and she believed some of the stockings did also. There was a bundle of matches lying on the wooden steps, and a great fire in the front parlour, with two red hot pokers in it. The lamp was removed to the back pantry. The curtains of the front parlour she found drawn. Her master's bedroom windows and her's were opened, and his shutters shut. The snow was thick on the ground at the time. She called for assistance, and a boy came first. Captain Kempster and his servant, who lived next door, also came and soon extinguished the flames; the bookcase and drawers in the front parlour were all apparently fastened when she went out, but on her return she found them all thrown open and stripped; the bird-cage was also gone. At half-past nine o'clock her master and mistress came home, and on his being told the house was robbed, he immediately cried out his writing desk was gone, and he was a ruined man; Mr. Denham, secretary to the Globe Insurance Company, came a day or two afterwards, and her master told her to fetch two turpentine bottles from a cupboard in the back pantry, in which she had never seen any bottles of turpentine before; if they had been there she thought she must have seen them; there was no fire in any part of the house except in the front parlour; people very often came for money to her master, but could never get any.

On a cross-examination she said the jars of oil might have been there, as she had been only eight days with them, and had no great opportunity of looking about the house.

John Leboine, a bookseller in Portland-street, was called. He was passing through Half Moon-street on the night in question; heard a cry of fire; went to the house immediately; upon entering saw a light in the back parlour, and also on the stairs; went into the back parlour and extinguished the flames, which was accomplished in four or five minutes; on examination it appeared that the door posts, part of the flooring, and the stairs, had been on fire; pieces of wood were placed against the door posts for the purpose of conducting the flames; rags were scattered on the stairs, steeped in turpentine; and papers were scattered in different places. After putting out the fire he went away, and returned in about half an hour; it appeared to the witness that these combustibles were purposely placed there; was in the house when the prisoner and his wife returned; some person told him (the prisoner) that his writing desk was broke open, upon which he appeared much distressed, and said he was a ruined man; did not recollect whether there was a fire in the front parlour grate.

John Richardson, servant to captain Kempster, who lived next door to the prisoner, merely corroborated the statements of the preceding witnesses.

Dr. Lockley's assistant, and the other next door neighbour, deposed to the same facts.

William Bacon, a police officer, called. Was sent for on the night of the fire; examined all the fastenings of the house, none of them was broken or injured; saw the prisoner in the back parlour throw himself on two chairs, roll about, and exclaim he was a ruined man; witness took the candle and looked at his face, but saw no symptoms of real grief, which struck him so forcibly that he told Mr. Reeves (the landlord) if he would give charge of him, he would take him into custody; produced a child's bib, which he picked up on the stairs, and which was then as wet as if dipped in a turpentine tub; many more rags were on the stairs; never knew an instance of any of Bramah's locks being picked.

Mr. Denham, secretary to the Globe Insurance Company, was next called. Went the day after the fire to the house; saw the prisoner, and asked him if he knew how the fire had originated. Answered no; he had not any suspicion how it happened. In a subsequent interview, the witness asked him where the papers and band-boxes came from, and he said, after some difficulty, from his wife's bed-room. The prisoner next said, he thought the thieves must have entered with false keys. When asked about the turpentine mixture, he said he believed there had been some in the house, and that a little might be remaining. Witness asked to see it; prisoner rang the bell, and told the servant (Mary Wright) to fetch the bottles, but had some difficulty in making her understand where they were. When brought, witness smelt them, and was clearly of opinion that they contained the same mixture as the clothes had been dipped in. Prisoner said he had lost nearly 600l. in bank-notes, which he always kept in the book-case. Could give no account of the bank-notes; they were of various denominations; but two or three were of 100l. each; witness then said, "You can tell where you got these large notes;" he answered, he received them from his lodgers, and had had some of them by him for two or three years. Upon witness remarking how very singular the robbery was, he appeared much agitated.

Upon cross-examination, he said the prisoner told him he had been looking out for another house to open an hotel, and that he kept the money by him for that purpose.

John Covington, a fireman, of the Globe Insurance Office, arrived at the house about half-past nine. Asked the prisoner where the boards came from that were against the door-posts? and he said, from the wine cellar. Remained in possession of the house till the prisoner was apprehended on the Saturday.

William Nichols, a police officer, was called. Found a key upon the mantel of the front parlour; it was one of Bramah's.

The various rags and combustibles were here produced, consisting of stockings, children's frocks, &c. all of which had been steeped in turpentine.

Martha Pope lived servant with the prisoner; left him on the 6th of November last; had lived with him five months and a fortnight. Remembered frequent applications to her master for money, but he never paid any body. He was often denied. Appeared to the witness to be a very distressed man. While she was there she

had never seen the stone bottles, containing the turpentine, in the pantry.

Mr. Rainie, assistant to Mr. Hermon, the auctioneer. He was directed to go to the house of the prisoner, and make a very liberal valuation of the furniture, which he did. The amount was 732l. 18s. He was positive, if destroyed, it might have been replaced for a less sum.

J. Jones, a clerk in the Globe Insurance Office, proved, that the witness had insured the house for 1500l. 500l. for his interest upon the lease, and 1500l. for the household furniture, making a total of 3500l.

Here the evidence for the prosecution was closed, and the prisoner being called upon for his defence, declined making any, leaving it to his counsel, who proceeded to call witnesses in his behalf.

Thomas Osborne was first called, but not examined, as the counsel for the prosecution, admitted the fact he was to prove, viz. that the prisoner was bound to insure for 1400l. upon the lease, and had paid 400l. for the fixtures, being within 200l. of the amount actually insured.

Mary Sweet, formerly lived servant with the prisoner, for five months, about this time twelve-month. Prisoner's lodgers paid nine or ten guineas a week for their apartments. Frequently had permission to go out during the time, and sometimes when her master and mistress were both out also. Saw two stone bottles when she was there; used turpentine out of one, and oil out of the other. The turpentine was used for the furniture, and the oil for the lamps. They were kept in a cupboard going down the kitchen stairs.

George Scott was called; a waiter at the Telegraph Chop-house, Gracechurch-street; recollected the prisoner, but did not know where he had seen him. Could not remember whether the prisoner dined at the Telegraph on the 9th of January (the day of the fire.)

The evidence for the prisoner being closed,

Mr. Justice Heath recapitulated the facts to the jury, observing, it was admitted that the house had been maliciously set on fire, and the only question for them to determine was, by whom it had been so set on fire. The prisoner urged that it had been done by some one with intent to injure him, while the prosecutors, on the other hand, contended that it had been done to defraud the Globe Insurance Company, &c. It was not to be expected, in cases like these, that any positive evidence could be produced, as secrecy and privacy were commonly employed by the perpetrators. Facts and circumstances were, therefore, all that they could go by, and the jury would be able to judge of

those that had been produced in the course of the evidence, which he should now proceed to re-state to them.

After the judge had summed up, the jury retired for about half an hour, and then returned, a verdict of *Guilty*, at which the prisoner was greatly affected.

ELIZA FENNING,

FOR AN ATTEMPT TO POISON

MR. ORLIBAR TURNER AND FAMILY.

April 11, 1815.

Eliza Fenning was indicted for that she, on the 21st day of March, feloniously and unlawfully did administer to, and cause to be administered to Orlibar Turner, Robert Gregson Turner, and Charlotte Turner his wife, certain deadly poison (to wit arsenic,) with intent the said persons to kill and murder.

Second Count, that she did cause to be taken by the same persons, arsenic with intent to kill and murder them.

Third and Fourth Counts, as in the first and second counts, only charging the offence to be committed against Robert Gregson Turner only, and another count against Charlotte Turner only.

From the age of about fourteen Elizabeth Fenning had been out in servitude; and at twenty-two, in the latter end of January, 1815, being hired as cook into the family of Mr. Orlibar Turner, at No. 68, Chancery-lane, in about seven weeks from that time the circumstances unhappily arose which led to the unfortunate creature's being charged with an attempt to murder Mr. Turner's family.

Mrs. Charlotte Turner sworn.

Q. At what time did the prisoner come into your service? *A.* About seven weeks before the accident, as cook.—*Q.* Had you occasion to reprove her? *A.* I had, about three weeks after she came.—*Q.* What was her deportment after that, for the remaining month? *A.* I observed that she failed in the respect that she before paid me, and appeared extremely sullen.—*Q.* Did she, after this, say any thing to you upon the subject of yeast dumplings?

A. She did, a fortnight before the transaction; she requested me to let her make some yeast dumplings, professing herself to be a capital hand. That request was frequently repeated. —*Q.* On Monday, the 20th of March, was any thing said to you upon the subject of yeast? *A.* She came up into the dining-room, and said the brewer had brought some yeast.—*Q.* Had you given any orders to the brewer to bring any yeast? *A.* Oh no! I told her I did not wish to trouble the man; that was not the way I had them made; I generally had the dough from the baker's; that saved the cook a great deal of trouble, and was also considered the best. Having this yeast, I said it was of no consequence, as the man had brought a little, the next day she might make some, I told her. On Tuesday morning, I, as usual, went into the kitchen. I told her she might make some; but, before she made the dumplings, to make a beef steak pie for dinner for the young men. As she would have to leave the kitchen to get the steaks, I did not wish her to leave the kitchen after the dumplings were made. I told her I should wish the dough to be mixed with milk and water. She said she would do them as I desired her; this was about half past eleven. She carried the pie to the baker's before kneading the dough commenced. I told her I wished her not to leave the dough, that she might carry the pie to the baker's. —*Q.* At about what time did she carry the pie to the baker's? *A.* I suppose near twelve.—*Q.* How soon after twelve did you go into the kitchen again, after she had been to the baker's? *A.* I gave her directions about making the dough. I said, I suppose there was no occasion for me stopping. She said, Oh no, she knew very well how to do it; and then I went up stairs.—*Q.* How soon after that did you go into the kitchen again? *A.* Not more than half an hour. I then found the dough made: it was set before the fire to rise.—*Q.* What other servant had you? *A.* We have one more, a house-maid, Sarah Peer.—*Q.* Where was she at the time the dough was made? *A.* I had given Sarah Peer orders to go into the bed-room, to repair a counterpane.—*Q.* Then during the time that the dough was made, was any person in the kitchen but the prisoner? *A.* I am certain there could be nobody.—*Q.* This was about half past twelve? *A.* I suppose it might be half past twelve. We dined at three, the young men at two.—*Q.* In the interval between half past twelve and three, were you again in the kitchen? *A.* I was in the kitchen two or three times, until the dough was made up into dumplings.—*Q.* Where was the dough? *A.* That remained in a pan before the fire for the purpose of rising, but I observed the dough never did rise.—*Q.* Did you take off the cloth to look at it? *A.* I did; my observation was, that it did not rise: and it was in a very singular position, in which position it remained until it was divided into dumplings; it was not put into the pan, as I have observed dough; its shape was singular; it retained the shape till the last.—*Q.* It remained heavy all the time? *A.* Yes, not rising at all. I am confident it never was meddled with, after it was put there.—*Q.* At about what time was the dividing of the dumplings to put them into the pot? *A.* About twenty minutes before twelve. I was not in the kitchen at the time.—*Q.* How late before had you seen it? *A.* About half an

hour of that time.—*One of the Jury.* Did you remark to her the singular appearance of the dough? *A.* I did not remark to her the singular appearance. I told her it had never risen. The prisoner said it would rise before she wanted it.—*Q.* How many dumplings would there be? *A.* Six.—*Q.* It was afterwards divided into six dumplings? *A.* Yes.—*Q.* About three o'clock did you sit down to dinner? *A.* I did: these six dumplings were brought upon the table.—*Q.* Did you make any observation upon their appearance? *A.* I did. I told the other servant they were black and heavy, instead of being white and light.—*Q.* Who set down to dinner with you? *A.* My husband, Robert Gregson Turner; his father, Orlibar Turner. I helped them to some dumplings, and took a small piece myself.—*Q.* How soon afterwards did you find yourself ill? *A.* I found myself affected in a few minutes after I had eaten. I did not eat a quarter of a dumpling. I felt myself very faint, and an excruciating pain; an extreme violent pain, which increased every minute. It came so bad, I was obliged to leave the table. I went up stairs.—*Q.* I believe you ate nothing else? *A.* Yes, I ate a bit of rump steak.—*Q.* Who had cooked that? *A.* Eliza. When I was up stairs I perceived my sickness increased, and I perceived my head was swollen extremely. I retched very violently.—*Q.* How soon after you had been up stairs did you find any of your family ill? *A.* I was half an hour alone, and wondered they did not come to my assistance. I found my husband and father very ill, both of them. I was very ill from half-past three until about nine; very sick and ill, retching from three till nine. The violence abated, but did not cease. My head was swollen, and my tongue and chest were swollen. We called in a gentleman who was near, and afterwards Mr. Marshall, the surgeon.—*Q.* You applied for the nearest assistance you could get? *A.* Yes.

Cross-examined by Mr. Alley.

Q. This happened about six weeks after the girl came to live with you? *A.* Yes.—*Q.* You had no other cause of complaint except that you forgave her? *A.* No.—*Q.* On that day the coals had been delivered, had they not? *A.* I do not think it was that day; the girl is here that received them: it could not be that day; she had no occasion to receive the coals.—*Q.* The prisoner herself was taken very ill, was she not? *A.* I have heard so.

ORLIBAR TURNER sworn.

Q. On Tuesday, the 21st day of March, were you at your son's house in Chancery-lane? *A.* I was; I dined there.—*Q.* Your dinner consisted of yeast dumplings, beef steaks, and potatoes? *A.* It did.—*Q.* After some time, did Mrs. Turner leave the room indisposed? *A.* She did, sir.—*Q.* After she was gone up stairs, you did not know that she was ill? *A.* Not at the time that she left the room.—*Q.* Some time afterwards did your son leave the room, and go down stairs? *A.* He did, sir; and I followed him very shortly. I had gone into my parlour below. I came into the passage. I met my son in the passage, at the foot of the stairs; he told me that he had been very sick, and had brought up his dinner. I found his eyes exceedingly swollen; very much indeed.

said I thought it very extraordinary. I was taken ill myself in less than three minutes afterwards. The effect was so violent, I had hardly time to go into my back yard before my dinner came up. I felt considerable heat across my stomach and chest, and pain.—*Q.* Was the vomiting of the common kind? *A.* I never experienced any before like it; for violence before: it was terrible indeed.—*Q.* How soon after did you observe any other of the family ill? *A.* It was not more than a quarter of an hour when my apprentice, Roger Gadsden, was very ill, in a similar way to myself.—*Q.* Was your son sick also? *A.* He was.—*Q.* And while you and your son were sick, and Gadsden were sick, where were you? *A.* I was repeatedly in the parlour and the back yard. My son was up and down stairs at intervals. Gadsden, I believe, was in the kitchen below.—*Q.* Did you observe the prisoner? Did she give you any assistance? *A.* Not the smallest. We were all together alarmed. It was discovered that she did not appear concerned at our situation.—*Q.* I take it for granted that you had suspicion of arsenic? *A.* I had; I made a search the next morning.—*Q.* You expected it was poison? *A.* I did.—*Q.* Did you observe the brown dish or pan in which the dumplings had been mixed? *A.* I did on the next morning, on the Wednesday morning.—*Q.* Did you find any thing remaining in that pan that appeared to be the leavings of the dumplings? *A.* I did; it stuck round the pan. I put some water into the pan, and stirred it up with a spoon, with a view to form a liquid of the whole. I found, upon the pan being set down for a moment or two, or half a minute, upon taking it slowly and in a slanting direction I discovered a white powder, at the bottom of it. I showed it to several persons in the house. I kept it in my custody.—*Q.* Did you show it to Mr. Marshall? *A.* I kept it in my custody for that purpose, I locked it up until Mr. Marshall came. No person had access to it.—*Q.* Had any arsenic been kept in any office in the house? *A.* it had.—*Q.* In what place? *A.* In a drawer in the office, fronting the fire-place in the office.—*Q.* What was it in? *A.* In two wrappers, tied round very tight: the words "Arsenic, deadly poison," wrote upon it.—*Q.* Do you happen to know whether the prisoner can read? *A.* I believe she can both read and write.—*Q.* [*To Mrs. Turner.*] Is that so, Mrs. Turner? *A.* Yes, she can read and write very well.—*Q.* Mr. Turner, was that drawer locked or open? *A.* It has always remained open: any person might have access to it.—*Q.* Who lit the fire, do you know? *A.* It was the prisoner's duty to do so.—*Q.* Would she probably resort to there for paper to light the fire with? *A.* She might resort to that drawer for loose paper that was kept in that drawer: she might properly resort to it to light a fire.—*Q.* Had that parcel of arsenic been missed before that time? *A.* I had seen it there on the 7th of March: not since that time. Before the 21st of March, I heard of its being missed about a fortnight.—*Q.* Did you make any observation about the appearance of the knives and forks? *A.* I did, which we ate the dumplings with. I have two of them in my pocket now, to show; they have been in my custody ever since. I saw them with that blackness upon them the next day: it appeared upon them then: there is some little rust upon them now.—*Q.*

Did you, either on the day that this took place, or afterwards, speak to the prisoner about these yeast dumplings—what they were made with? *A.* I did the next day. I asked the prisoner how she came to introduce ingredients that had been so prejudicial to us? She replied, it was not in the dumplings, but it was in the milk that Sarah Peer brought in. I had several discourses with her that day upon this subject; during the whole of which she persisted that it was in the milk, as before described.—*Q.* What had that milk been? *A.* The sauce only. The prisoner made the dumplings with the refuse of the milk that had been left for breakfast.—*Q.* Did the prisoner tell you what use had been made of the milk that had been fetched by Sarah Peer? *A.* She did not. I asked her if any person but herself had mingled or had any thing to do with the dumplings? She expressly said, no.

Cross-examined by Mr. Alley.

Q. In the conversation you had with the prisoner, did not you tell her that two months before you had missed the poison? *A.* I did not.—*Q.* You say it was her duty to light the fire in the office; did the clerks keep the door locked when they were not there? *A.* I do not know.

ROGER GADSDEN sworn.

Q. Do you remember seeing in a drawer in the office a paper with arsenic? *A.* I do, with "Arsenic, deadly poison," upon it. The last day I saw it was on the 7th of March. I missed it in a day or two after.—*Q.* Did you mention it in the office that you had missed it? *A.* I did, sir.—*Q.* On Tuesday, the 21st of March, did you between three and four go into the kitchen? *A.* I did, sir. I had dined at two.—*Q.* When you went into the kitchen did you observe any thing there that came from the parlour table? *A.* I observed a plate there; in it was a dumpling and a half. I took a knife and fork up, and was going to cut it, to eat of it. The prisoner exclaimed, Gadsden, do no eat that; it is cold and heavy; it will do you no good. I ate a piece about as big as a walnut, or bigger. There was a small quantity of sauce in the boat: I took a bit of bread and sopped it in it, and ate that. This might be twenty minutes after three.—*Q.* How soon after that time did any of the family become ill? *A.* I went into the office. Mr. Robert Turner came into the office about ten minutes after, and said he was very ill. They were all up stairs in the parlour. Not the least alarm of any body being ill then.—*Q.* How soon were you taken ill? *A.* About ten minutes after that: but not so ill as to vomit. In consequence of the distress of the family, I was sent off for Mr. Turner's mother. I was very sick going and coming back. I thought I should die.—*Q.* Had the prisoner made any yeast dumplings for you the night before? *A.* She had, for supper. I, and the other maid, and herself, partook of them: they were quite different from these dumplings in point of colour and weight, and very good.—*Q.* [*By one of the Jury.*] When the poison was missed, did you make any inquiry about it of the prisoner? *A.* I did not.

Cross-examined by Mr. Alley.

Q. Do you usually keep the door locked when you are out of the

office? *A.* No.—*Q.* [*By Mr. Gurney*]. Who made the fire in the office? *A.* The prisoner. No person could go into the office until I did. Any person might go in and out in the day. At night it was locked.—*Q.* What was kept in that drawer in which the arsenic was kept? *A.* Paper.—*Q. Court.* Then your seeing her go to that drawer it would not strike you as any thing extraordinary? *A.* No; I should not watch her to see what she did there.

MARGARET TURNER sworn.

Q. Upon this melancholy occasion you was sent for? *A.* I was.—*Q.* When you arrived you found your husband, son, and daughter, extremely ill, did you not? *A.* I found them extremely ill.—*Q.* I believe, madam, you found the prisoner ill and vomiting? *A.* Very soon after I was there she was ill.—*Q.* Did you say any thing to her while you where there that day respecting the dumplings? *A.* I exclaimed to her, Oh, these devilish dumplings! supposing they had done the mischief. She said, "Not the dumplings, but the milk, madam." I asked her "What milk?" She said, "The halfpenny-worth of milk that Sally had fetched, to make the sauce?—*Q.* Did she say who had made the sauce? *A.* My daughter. I said that cannot be, it could not be the sauce. She said, "Yes, Gadsden ate a very little bit of dumpling, not bigger than a nut, but licked up three parts of a boat of sauce with a bit of bread."—*Q.* [*To Mrs. Turner, Jun.*] Was any sauce made with the milk that Sarah Peer fetched? *A.* It was. I mixed it, and left it for her to make.

ROBERT GREGSON TURNER sworn.

Q. Did you partake of the dumplings at dinner? *A.* Yes, I did. *Q.* Did you eat any of the sauce? *A.* Not any portion of that whatever.—*Q.* Were you taken ill, sir? *A.* Soon after dinner I was, sir. I first felt an inclination to be sick: I then felt a strong heat across my chest. I was extremely sick.—*Q.* Did it produce any swelling in you? *A.* I was exactly as my father and wife were, except stronger symptoms. I had eaten a dumpling and a half. I suffered more than any person.—*Q.* Where your symptoms, and that of the others, such as could be produced by poison? *A.* I should presume so: all taken in the same way, and pretty near the same time.

SARAH PEER sworn.

Q. You are a servant to Mrs. Turner? *A.* Yes.—*Q.* How long have you lived in the family? *A.* Nearly eleven months.—*Q.* Do you recollect the circumstance of warning being given to the prisoner some time after she came? *A.* I do, sir.—*Q.* Did you hear her say any thing after that respecting your mistress? *A.* I heard her say that she should not like Mr. or Mrs. Robert Turner any more.—*Q.* On the morning of the 21st of March did you go for any milk? *A.* Yes, after two o'clock: after I had dined.—*Q.* What had you eaten for dinner? *A.* Beef-steak pie. I had dined with the prisoner.—*Q.* Had you any concern whatever in making the dough for the dumplings? *A.* No, sir.—*Q.* Or the sauce? *A.* No, sir.—*Q.* Were you in the kitchen when the dough was made? *A.* No, sir. I never meddled with it, or put any thing to it.

I never was in the kitchen from the time I went up to make the beds a quarter after eleven, until I came down again.—*Q.* You, I believe, had permisson of your mistress to go out that afternoon? *A.* It was directly after I took up the dumplings, and then I went out directly. I came home at nine o'clock exactly. I ate none of the dumplings myself.—*Q.* In eating of the beef-steak pie had you partaken of any of the crust? *A.* Yes. I was not at all ill. I had eaten some dumplings she had made the night before. I never tasted any better. They were all made out of the same flour.—*Q.* Had you any difference with your mistress any time? *A.* No.

Cross-examined by Mr. Alley.

Q. Were not the coals delivered in the house that day? *A.* No. —*Q.* Then it is not true that you were set to watch the coals coming in? *A.* No.—*Q.* As the dumplings were taken out of the pot you went out? *A.* Yes.—*Q.* Had the prisoner and you been upon good terms? *A.* At times, sir.—*Q.* When was the last quarrel? *A.* Two or three days before she had taken something out of my drawer for a duster. I said, I did not like to lead that life, without she altered her temper.—*Q.* How long before that had you quarrelled with her? *A.* About a week, or a week and a half.—*Q.* What might that quarrel be about? *A.* I cannot say. —*Q.* Was it the habit of your house for the servants to take their turns to go out of a Sunday? *A.* Yes.—*Q.* Who did you go to visit on Tuesday? *A.* My sister, at Hackney.—*Q.* When had you been to your sister's before that? *A.* About a month.—*Q.* Whose turn was it to go out before this Tuesday? *A.* Mine.—*Q.* The prisoner lived seventeen weeks in your master's house. Did it happen that you ever went to visit your sister but on a Sunday? *A.* Never except on that day.—*Q.* I suppose you occasionally went into the office where these young men where? *A.* Very seldom. —*Q.* You knew the waste paper was kept in the office? *A.* Yes: but mistress always kept it up stairs in the dining-room for my use.—*Q.* You knew there was waste paper in the office? *A.* No, sir. I never touched any there. I did not know it for a certainty. There might be waste paper there, but I never touched it.—*Q.* Did you not know there was poison kept there? *A.* I never went to the drawer in the office, nor never knew there was poison kept there to kill rats and mice.—*Q.* [*Mr. Gurney.*] You went to see your sister, that lived at Hackney? Yes.—*Q.* And the reason you went away as soon as you took the dumplings up was to arrive there and see your sister in time? *A.* Yes.—*Q.* Were the yeast dumplings made the night before different or not? *A.* Very different, and good, and of a different shape.

MR. ORLIBAR TURNER.

Q. Did you keep this arsenic to poison the mice, that infested the office? *A.* Yes: it was only to be used in the office to destroy the mice, and for no other purpose. This poison had not been used before for a year and a half.

WILLIAM THISSELTON sworn.

I am an officer of Hatton Garden office.—*Q.* Did you take the prisoner into custody? *A.* I did, on the 23d of March, the day

before Good Friday.—*Q.* While she was sitting in the room in the office, did she say any thing respecting the poison or the yeast? *A.* I asked her whether she suspected the flour? She said she had made a beef-steak pie of the flour that she made the dumplings with; that she, and her fellow-servants, and one of the apprentices, had dined off the pie. I then observed, if there was any thing bad in that flour, it must have hurt them as well as her. She said, she thought it was in the yeast; she saw a red settlement in the yeast after she had used it.

JOSEPH PENSON sworn.

Q. You are a servant to Mr. Edmonds the brewer in Gray's Inn Lane? *A.* Yes.—*Q.* Were you in the habit of leaving table beer at Mr. Turner's? *A.* Yes.—*Q.* Had the prisoner made any application to you respecting yeast? *A.* Yes; she asked me on Thursday. I told her, if I came that way on Saturday, I would bring her a bit; if not, on Monday. I brought the yeast on Monday morning. I took it out of the stilliards where the casks lay; out of the yeast for bakers.

Cross-examined by Mr. Alley.

Q. When you brought the yeast to the house, you gave it to the last witness, not to the prisoner? *A.* I gave it to the housemaid: she brought me a pot, into which I put the yeast.

SARAH PEER.

Q. What did you do with the yeast? *A.* I emptied it into a white basin. I told Eliza that the brewer had brought the yeast. She took the basin. I saw no more of it.

MR. JOHN MARSHALL sworn.

I am a surgeon. On the evening of Tuesday, the 21st of March, I was sent for to Mr. Turner's family. I got there about a quarter before nine o'clock. All the affliction attending the family were produced by arsenic. I have no doubt of it, by the symptoms. The prisoner was also ill, by the same I have no doubt.—*Q.* Did Mr. Orlibar Turner show you a dish the next morning? *A.* He did. I examined it. I washed it with a tea-kettle of warm water. I first stirred it and let it subside. I decanted it off. I found half a tea-spoonful of white powder. I washed it the second time. I decidedly found it to be arsenic. —*Q.* Will arsenic, cut with a knife, produce the appearance of blackness upon the knife? *A.* I have no doubt of it.—*Q.* Did you examine the remains of the yeast? *A.* Yes: there was not a grain of arsenic there; and I examined the flour tub, there was no arsenic there.

Mr. *Gurney.* That is the case on the part of the prosecution.

PRISONER'S DEFENCE.

I am truly innocent of the whole charge. I am innocent; indeed I am! I liked my place. I was very comfortable.

Gadsden behaved improperly to me; my mistress came, and saw me undressed: she said she did not like it. I said, "Ma'am it is Gadsden that has taken liberty with me." The next morning I

said, "I hope you do not think any thing of what passed last night." She was in a great passion and said she would not put up with it. I was to go away directly. I did not look on Mrs. Turner, but the old lady, as my mistress. In the evening the old lady came to town. I said, "I am going away to-night." Mrs. Turner said, "Do not think any more about it: I don't." She asked Mrs. Robert Turner if she was willing for me to go? She said, "No, she thought no more about it."

As to my master saying I did not assist him, I was too ill. I had no concern with that drawer at all: when I wanted a piece of paper, I always asked for it.

The prisoner called five witnesses, who gave her the character of a good-natured and amiable disposition.

The recorder concluded his charge in words to this effect:—

"Gentlemen, you have now heard the evidence given on this trial, and the case lies in a very narrow compass. There are but two questions for your consideration, and these are, the fact of poison having been administered, in all, to four persons, and by what hand such poison was given. That these persons were poisoned, appears certain from the evidence of Mrs. Charlotte Turner, Orlibar Turner, Roger Gadsden the apprentice, and Robert Turner; for each of these persons ate of the dumplings, and were all more or less affected; that is, they were every one poisoned. That the poison was in the dough of which these dumplings were composed, has been fully proved, I think, by the testimony of the surgeon who examined the remains of the dough left in the dish in which the dumplings had been mixed and divided; and he deposes that the powder which had subsided at the bottom of the dish was arsenic. That the arsenic was not in the flour, I think appears plain, from the circumstance that the crust of a pie had been made that very morning, with some of the same flour of which the dumplings were made, and that the persons who dined off the pie felt no inconvenience whatever: that it was not in the yeast, nor in the milk, has been also proved; neither could it be in the sauce, for two of the persons who were ill never touched a particle of the sauce, and yet were violently affected with retching and sickness. From all these circumstances it must follow that the poisonous ingredient was in the dough alone; for, besides that the persons who partook of the dumplings at dinner were all more or less affected, from what they had eaten, it was observed by one of the witnesses, that the dough retained the same shape it had, when first put into the dish to rise, and that it appeared dark and was heavy, and in fact never did rise. The other question for your consideration is, by what hand the poison was administered; and although we have nothing before us but circumstantial evidence, yet it often happens that circumstances are more conclusive than the most positive testimony, and I will tell you why:—A fabrication may" * * *

dumplings, threw the blame first on the milk, next on the yeast, and then on the sauce; but it has been proved, most satisfactorily, that none of these contained it, and that it was in the dumplings alone, which no person but the prisoner had made. Gentlemen, if poison had been given even to a dog, one would suppose that common humanity would have prompted us to assist it in its agonies: here is the case of a master and a mistress being both poisoned, and no assistance was offered. Gentlemen, I have now stated all the facts as they have arisen, and I leave the case in your hands, being fully persuaded, that whatever your verdict may be, you will conscientiously discharge your duty both to your God and to your country."

After the charge, the jury in a few minutes brought in a verdict of *Guilty*, and the miserable girl was carried from the bar convulsed with agony, and uttering frightful screams.

The recorder passed sentence of death upon her.

On June 26 (says the *Annual Register*), the day appointed for the execution of Elizabeth Fenning, William Oldfield, and Abraham Adams, the public curiosity was strongly excited, and perhaps to a greater degree than on any similar event since the memorable execution of Haggerty, Holloway, &c. In the case of Fenning many had taken up an opinion that her guilt was not clearly established; for she had uniformly protested her innocence. The last interview between her and her parents took place about half-past one o'clock on Tuesday: to them, and to the last moment, she persisted in her innocence. About eight o'clock the sheriffs proceeded from Justice Hall along the subterraneous passage to the Press-yard.

Fenning was dressed in white, with laced boots, and a cap. Oldfield went up to her in the Press-yard, and enjoined her to prayer, and assured her that they should all be happy.

The sheriffs preceded the cavalcade to the steps of the scaffold, to which the unfortunate girl was first introduced. Just as the door was opened, the Reverend Mr. Cotton stopped her for a moment, to ask her if, in her last moments, she had any thing to communicate? She paused a moment, and said, "Before the just and Almighty God, and by the faith of the holy sacrament I have taken, I am innocent of the offence with which I am charged." This she spoke with

much firmness of emphasis, and followed it by saying what all around her understood to be, "My innocence will be manifested in the course of the day." The last part of this sentence was spoken, however, so inaudibly, that it was not rightly understood, and the Reverend Mr. Cotton being anxious to hear it again, put a question to get from her positive words: to which she answered, "I hope God will forgive me, and make manifest the transaction in the course of the day." She then mounted the platform with the same uniform firmness she had maintained throughout. A handkerchief was tied over her face, and she prayed fervently, but, to the last moment, declared her innocence. Oldfield came up next, with a firm step, and addressed a few words in prayer to the unhappy girl. About half-past eight o'clock the fatal signal was given. One emotion only was perceptible in Fenning. After hanging the usual hour, the bodies were cut down, and given over to their friends for interment.

The following paragraph relative to Elizabeth Fenning, appeared in an evening paper:—

"We should deem ourselves wanting in justice, and a due respect for government, if we did not state that, in consequence of the many applications from the friends of this unhappy young woman who this day suffered the sentence of the law, a meeting took place yesterday at Lord Sidmouth's office, (his lordship is out of town,) at which the Lord Chancellor, the Recorder, and Mr. Beckett were present. A full and minute investigation of the case, we understand, took place, and of all that had been urged in her favour by private individuals; but the result was a decided conviction that nothing had occurred which could justify an interruption of the due course of justice. So anxious was the Lord Chancellor in particular to satisfy his own mind, and put a stop to all doubts on the part of the people at large, that another meeting was held by the same parties last night, when they came to the same determination, and in consequence the unfortunate culprit suffered the penalty of the law."

Her funeral took place on the 31st. It began to move from the house of her father in Eagle-street, Red Lion Square, about half past three o'clock; preceded

by about a dozen peace officers, and these were followed by nearly thirty more; next came the undertaker, immediately followed by the body of the deceased. The pall was supported by six young females, attired in white: then followed eight persons, male and female, as chief mourners, led by the parents. These were succeeded by several hundreds of persons, two and two, and the whole was closed by a posse of peace officers. Many thousands accompanied the procession, and the windows, and even tops of the houses, as it passed, were thronged with spectators. The whole proceeded in a regular manner, until it reached the burying ground of St. George the Martyr. The number of persons assembled in and about the churchyard was estimated at ten thousand.

MARSHAL NEY,

FOR NEGLECT OF DUTY, 1815.

On the 4th of December, Marshal Ney was brought to trial before the Bourbon House of Peers, in contradiction to the popular sense of the twelfth article of the Convention of Paris, which appeared to secure a general amnesty under the plighted honour of Wellington and Blucher.

Before the court was opened, a memorial, entitled "The Effects of the Military Convention of the 3d of July, and the treaty of the 20th of November, relative to the accusation of Marshal Ney," was distributed.—The president then put to the marshal several interrogatories.—He replied, that he was at his estate when he received the order to proceed to Besançon, and did not know of Bonaparte's landing till he arrived at Paris. He saw the king. "It is said, that I told the king I would bring back Bonaparte in an iron cage. If I said so, it was a foolish thing, but still a pardonable one. It proved, that I had in my heart (striking his breast,) the intention of serving the king."

Count de Bourmont. I have read that Marshal Ney says I approved of his proclamation of the 14th of March; I will give a detailed explanation: I was with the marshal, General Lecourbe came in; the marshal said to him, "I was telling the Count de Bourmont that all was prepared in such a manner that the troops might reach

the emperor; the king had quitted Paris; no harm was to be done to him; woe to the man who should do any. He is a good prince, but he will be sent on board a ship. What now remains for us to do? Join Bonaparte." What! said Lecourbe, I have no reason to rally under that ———. The king never did me any thing but good, and the other nothing but harm. Besides, I have honour, and therefore will not join Bonaparte; and I too, said the marshal, and therefore I will join him. No more humiliation for me. I will not have my wife come back every night with tears in her eyes, on account of ill treatment.—After half an hour's discussion he took up a paper from the table and read the proclamation.

Marshal Ney. It appears that M. de Bourmont has got his part. He thought I should be treated as Labedoyere, and that we should never see each other again; but at last here we are face to face. I appeal to M. de Bourmont, before God, who hears us, if he did not say he was quite satisfied with the proclamation.

[M. de Bourmont made a sign that the assertion was not true.]

M. Batardi deposed, that he first, on the 7th of March, informed Ney of Bonaparte's landing. The marshal said, "Oh! my God, what a misfortune!"

Lieut.-General Count Heudelet was called, and declared, that he served under the marshal's orders. At Dijon, the insurrection had broken out, and it was impossible to stop it. There was a bad spirit in all the troops; even the Gendarmerie was bad. The insurrection of Bonaparte's partizans was general, and the minority of good servants of the king was evident. It was the same in the country parts, which openly announced the intention of joining Bonaparte.

M. Berryer. Do you think Marshal Ney, with the forces he had, could have successfully opposed the progress of Bonaparte?

Witness. No: with the four incomplete regiments he had, it was not impossible.

Marshal Davoust deposed, that on the night of the 2d of July, all was prepared for fighting; the commission had sent an order to come to an understanding with the allied generals: firing had already begun; I sent to the advanced posts to stop the effusion of blood; the commission had remitted the project of a convention; I added to it all that related to the demarcation of the military line—I added to it articles relative to the safety of persons and property, and I specially charged the commissioners to break off the conferences if those dispositions were not ratified. Marshal Blucher was at St. Cloud; the Duke of Wellington was, I think, at Gonesse. He had repaired to St. Cloud when he was informed of the conferences. It was there the convention was signed. I had 25,000 cavalry, and from 4 to 500 pieces of cannon. If the French had been quick in flying, they had been quick in rallying under the walls of Paris.

What was the sense which he and the Provisional Government attached to the 12th article?

The Attorney General. The King's commissioners object to this indiscreet question. The discussion, I see it well, will turn upon the capitulation. But the act exists as it exists. The

opinion of the prince cannot change it. An act cannot be altered by declarations.

Marshal Ney. The declaration was so protecting that it was upon that I relied. Without it, is it to be believed that I would not have preferred dying sword in hand? It is in contradiction to this capitulation that I was arrested, and it was on the faith of it that I remained in France.*

President. The meaning of capitulation is to be found in the document itself. The opinion which each individual may have of its sense, is of no importance. In virtue of the discretionary power conferred upon me, I decide the question shall not be put.

Count Bondy, formerly prefect of the Seine, who signed the convention, deposed that the principal basis of the convention was the public tranquillity, the security of Paris, the respect of persons and property. It was with a view to these objects that it was drawn up and proposed to the Generals Blucher and Wellington. There were some discussions on these points, but no difficulty was made relative to the 12th article, which was accepted in a manner calculated to give the most complete assurance to those comprehended under it.

M. Guilemot deposed to the part he had in the capitulation of Paris. "As chief of the staff, I was charged with stipulating for an amnesty in favour of persons, whatever might be their opinions, their offices, or their conduct. This point was granted without any dispute. My orders were to break off the conferences, had any refusal been made." This article induced him to lay down his arms.

Why were Messrs. Boigny and Bondy joined with you?

Answer. They stipulated for the civil persons as I did for the military.

On the 6th, M. Berryer entered upon the defence of Marshal Ney. Having alluded to the convention of the third of July—

The Attorney General said, I have considered it my duty to save the counsel of the accused from one disgrace in an affair which is already but too disgraceful. We are Frenchmen, and we have French laws, and it is singular when a Frenchman is accused, that a convention signed by English and Prussians should be appealed to. The king's commissioners ought to have already opposed the pleading of this defence, but they did not, because they hoped that the defenders of the accused would upon better consideration have abandoned it. They have acted otherwise. It is now clear to every one that they mean to rely on this military con-

* It was as follows:—Art. XII. Private persons and property shall be equally respected. The inhabitants, and in general all individuals who shall be in the capital shall continue to enjoy their rights and liberties without being disturbed or called to account, either as to the situations which they hold or may have held, or as to their conduct or political opinions.

vention, and the moment therefore is arrived for the king's attorney general to make a formal opposition to such a proceeding. This military convention is the work of foreigners. It was not ratified, nor even approved by the king. Besides, had the defenders of the accused wished to plead their defence, they were restricted even by the decision of the court to do so cumulatively. The only thing now to be considered is the substance of the question on which pleadings can alone be admitted. On these grounds and considerations the king's commissioners require that the defenders of the accused be formally interdicted from availing themselves of the convention of the 3d of July, and from reading it in the defence of the accused.

The *President.*—I might have taken it upon myself, in virtue of the discretional power, with which I am invested, to oppose the introduction of an objection which should have been brought forward at the commencement of the trial, and at the time pointed out by the chamber of peers for presenting all the objections cumulatively; but I thought it right to consult the chamber, in order that I might be supported by its opinion. That opinion concurs with mine in the impropriety of appealing to a convention purely military, absolutely foreign to the king, who never ratified or approved it;—a convention by which his majesty considered himself so little bound, that twenty-three days after he issued the ordinance of the 24th of July, by which he referred to the Tribunals several of those who were to have profited by this convention: an ordinance issued, while the troops of the allied powers still occupied the capital, and "countersigned by the minister of the king, who was president of what was called the provisional government at the period of the 3d of July." Consequently, confirmed by the opinion of the peers and the sentiments of my duty, I interdict the defenders of the accused from making any use in their pleadings of the pretended convention of the third of July.

M. Dupin, Advocate. The marshal is not only under the protection of the French laws, he is under the protection of the law of nations. I speak not of the convention, but of the limits traced by the treaty of the 20th of November, which certainly is an act solemn and legal, which we may invoke, since it is to that we owe the happy peace we now enjoy. The treaty of the 20th of November, in tracing a new line round France, has left on the right, Sarre-bruck, the country of the marshal. The marshal, Frenchman as he is in heart, is no longer a Frenchman since the Treaty.

Marshal Ney, much affected, and with vehemence —"Yes, I am a Frenchman! I will die a Frenchman! I beg his Excellency to hear what I have to say. Hitherto my defence has been free; I perceive it is wished to render it otherwise. I thank my counsel for what they have done and are ready to do: but desire them rather to cease defending me at all than to defend me imperfectly. I had rather not be defended at all than have the mere shadow of a defence. I am

accused against the faith of treaties, and they will not let me justify myself. I will act like Moreau; I appeal to Europe and to posterity!"

The *President*—Gentlemen, defenders of the accused, continue the defence by confining yourselves within the circle marked out for you. The Chamber of Peers in its wisdom will appreciate the means you shall deem to be most suitable.

Marshal Ney—I forbid my counsel from saying a word more. Your Excellency will give what orders you please. The chamber may judge me. But I forbid my counsel to speak unless they are permitted to make use of all the means in their power.

[A profound silence reigned for a sort time in the chamber.]

M. Bellart, after a conference with the king's ministers, rose.—We have a right, and it is our duty to refute the captious means that have been resorted to—but since the marshal renounces all further defence, we renounce the right of reply. I shall now present the requisition, upon which the chamber will retire to deliberate:—To condemn Marshal Ney, Marshal of France, Duke of Elchingen, Prince of the Moskwa, to the penalty declared in the said dispositions, in the form prescribed by the decree of the 12th May, 1793.

President—Accused, have you any thing to say on the application of the penalty?

Marshal Ney, (rising and with a firm tone)—Not another word, my lord.

President—The chamber, having deliberated six hours, declares the accused guilty of the crimes provided against by articles 77, 87, 88, 102, of the Penal Code—1 and 5 of Title, 1st of the law of the 21st Brumaire, year 5, and of Article 1st of Title 3d of the same law:—Therefore, in application of the said articles, it condemns Marshal Ney, Marshal of France, Duke of Elchingen, Prince of the Moskwa, late Peer of France, to the full punishment of death and the expenses of the trial; and orders that the decree shall be executed conformably to the law of the 12th of May, 1797, by the care of the King's Commissioners.

Marshal Ney not being present when his sentence was pronounced, the secretary was desired to notify it to him.

The marshal, upon returning to his chamber, whilst the Chamber were deliberating upon his fate, appeared to be animated and sustained by a feeling of deep resolution. He pressed his advocate in his arms, who said to him, "You would have it so." "It is all over, my dear friend," replied the marshal, "we shall see each other again in another world." He asked for dinner, and ate with a good appetite; he thought that a small knife was the object of attention and uneasiness to the person charged to guard him, "Do you think (he said, on looking at them) that I fear death?" and then threw the knife some distance from him. After dinner he smoked a segar tranquilly, then lay down and slept, or seemed to sleep, for a couple of hours.

This sentence was carried into execution on the morning of the 7th, at twenty minutes past nine o'clock. From three in the morning the guard of the condemned marshal had been given up to the commandant of Paris. Marshal Ney seemed to be in a sound sleep when the Secretary of the Chamber repaired to him to read his sentence. Before he proceeded to read it, he attempted to address some kind words to him to testify how painful it was to him to be forced to discharge so sad an office. Sir, said the marshal, stopping him, do your duty; every one must do his duty—read.

Upon the preamble being read, he said impatiently "to the fact, to the fact at once." When his titles were detailed, he observed, "What good can this do Michael Ney, then a heap of dust, that is all.' When M. Cauchy came to that article relating to the succession to the crown—"That law," exclaimed the marshal, "cannot be applicable to me—it is for the imperial family it was made." M. Cauchy then retired, and the marshal, throwing himself in his clothes on the bed, soon fell asleep!

At four in the morning he was awakened by the arrival of the marechale, his wife, with her children, and Madame Gamon, his sister. The unfortunate

wife, as soon as she entered the chamber, fell in a fit on the ground. The marshal and his guard raised her. To a long fainting fit succeeded tears and groans. Madame Gamon, on her knees before the marshal, was not in a less deplorable condition. The children, silent and sad, did not weep. The eldest appeared to be about eleven years of age. The marshal spoke to them a long time, but in a low tone of voice. On a sudden he rose, and entreated his family to withdraw.

When left alone with his guards, he walked up and down the chamber. One of them, a grenadier of Laroche Jaquelin, said to him, "Marshal, in the situation in which you are, should you not think of God? It is always good to reconcile oneself to God; I have seen many battles; and every time I could I confessed myself, and found myself always the better for it."

At nine, being informed that all was ready, the marshal gave the priest his hand to help him into the coach, saying to him, get in first, M. le Curé, I shall be quicker than you on high. Two officers of Gendarmerie were in the coach with him and the clergyman. About two hundred veterans (of the Royal Catholic army of La Vendee) accompanied the coach. The coach, traversing the garden of the Luxemberg, proceeded to the end of the grand alley leading to the Observatory, which was the spot, fixed on for the execution. On seeing the coach stop, the marshal, who thought they were going to carry him to the plain of Grenelle, expressed some surprise. Asking if that was the place of execution, he was answered in the affirmative, and immediately got out of the coach. After embracing his confessor, to whom he gave his snuff-box to give to Madame la Marechale, and some pieces of gold to be distributed to the poor, he proceeded with a quick step to within eight paces of the wall. The confessor remained near the coach, praying fervently. The marshal now faced the detachment of veterans who were to fire, and cried out in a strong and loud voice, at the same time taking off his hat with his left hand, and placing his right on his heart, "Comrades, straight to the heart—fire." The officer gave the signal at the same moment with his sword,

and he fell dead without a single struggle. Twelve balls had taken effect; three in the head. There were but few persons present, for the populace, believing that the execution would take place on the Plain of Grenelle, had repaired thither.

On the day of the marshal's execution, Madame Ney, like the people, ignorant of its having taken place, went to the Tuilleries at ten to implore the king's clemency; but the Duke of Duras, to whom she addressed herself in order to be introduced, was obliged to inform her that the marshal no longer existed!

GEORGE BARNETT,

FOR SHOOTING AT MISS FRANCES MARIA KELLY,

February 17, 1816.

THE prisoner was indicted for shooting a pistol loaded with powder and shot, at Miss F. M. Kelly, during her performance on the stage of Drury Lane Theatre.

Mr. Nathan Harris, on the evening of the 17th of February, was in the pit of Drury Lane Theatre, about the eighth row. He saw the prisoner about two rows before him, who stood up during the performance of the farce. Miss Kelly and Mr. Knight were on the stage at the moment, embracing each other, in the characters of Nan and Joey, in the farce of The Merry Mourners. After they had parted Miss Kelly was retreating backwards towards the stage-door, when witness observed the prisoner elevated above all the people around him, with his right hand pointing slanting towards the spot where Miss Kelly was standing. Witness saw a flash come from his hand, and heard the report of a pistol: witness reached across to him instantly, and seized him, when he said, I am not the man who fired it; don't take me. Witness said, he was sure he was the man. At this time the prisoner had dropped the pistol. Witness had seen the wadding drop at the moment of the flash. The prisoner was then secured, taken out of the theatre, and searched. In his pocket was found a small block tin case full of gunpowder.

Mr. Birnie asked him how he came to fire a pistol in a public theatre. He said it was to make an alarm. Witness then asked him how he came to point it so. His answer was, she can explain.

Mr. Rorer went to the theatre to ascertain the direction of the shot, and found marks of shot (very small) on the lamps on the

stage door, near which Miss Kelly had been standing. He found some shot in the orchestra, as if they had struck against the boards and fallen down. Those which struck the door had left a mark two feet nine inches from the floor.

Miss Kelly was now sworn, evidently under great embarrassment, and much affected. On the night in question she was performing at Drury Lane Theatre; saw a light, and at the same moment heard what she supposed to be a detonating ball. Had not the least acquaintance with the prisoner to her knowledge; had never seen him before that period, nor till this day.

She had received two letters signed with the prisoner's name. Never answered them, or took the slightest notice of them, except to a friend.

John Baker was in attendance at Drury Lane Theatre on the 17th of February; saw Mr. Taylor produce the pistol now put in; it appeared to have been recently discharged. (The pistol was of the same size as the one used by Bellingham, about six inches long.) While conveying the prisoner to Tothill-fields, he asked him how he could think of doing so rash an act—was it his intention to shoot Miss Kelly? The prisoner answered—I tell you the pistol was not loaded with either ball or slugs. He admitted his intention was to shoot at Miss Kelly.

Samuel Dickons accompanied the last witness in taking the prisoner to Tothill-fields. The prisoner said he intended to kill Miss Kelly, in answer to a question from Baker. Baker then asked why he intended this? The prisoner answered, she knows very well what it's for.

Mr. Dowling now announced his intention to call evidence to prove the insanity of the prisoner.

John Crockets had married the prisoner's mother. The prisoner when a boy was always reserved and gloomy; he would not play with other boys. At times he was very queer, and at his meals would burst out laughing without reason. He went to several places but was always low and melancholy. Three or four days before this transaction he was particularly low.

Mrs. Crockets, mother of the prisoner, said he was the son of Mr. Barnett, who was a waiter at the Piazza Coffee House. She remembered his return from Seven Oaks. He seemed very ill, melancholy, and low spirited. The last week before this affair he appeared very uneasy and uncomfortable.

Mr. Norcroft, a law-stationer, with whom the prisoner had worked for a year, deposed that in his opinion his close application to business had injured his health. He was correct in business till a day or two before the offence with which he was charged. He then appeared in a very disturbed state of mind.

Mr. Claridge was at Seven Oaks when the prisoner was in his father's employment. He once observed the prisoner standing opposite a gentleman's house at Seven Oaks, gazing earnestly at the windows. He was surrounded by a mob, who were mocking him. He was satisfied the prisoner was not then in his right mind.

Mr. Baron Wood proceeded to sum up the evidence. With respect to the letters which had been read, he said that they bore evident symptoms of insanity.

The jury found the prisoner Not Guilty, on the ground of insanity, but he was detained in custody.

JOHN PENNY,

FOR THE MURDER OF WM. INGRAM.

AND JOHN ALLEN, WM. PENNY, THOM. COLLINS, DANIEL LONG, JOHN REEVES, JOHN BURLEY, JAMES JENKINS, THOMAS MORGAN, JAMES ROACH, AND WM. GREENAWAY, *as Accomplices*, April, 1816.

THE crimes imputed to the above prisoners were substantiated by the confession of two of their associates, who had been admitted evidence for the crown. It appeared that these desperate marauders assembled at the house of John Allen, one of the prisoners, on the evening of the 18th ult. with the avowed intention of destroying game on the adjoining manors, but prepared for a more diabolical purpose; in proof of which it need only be stated, that the whole gang, amounting in number to sixteen, had their faces blacked at his house, and were separately sworn not to betray each other, before they sallied forth, about eleven o'clock at night, eight of them armed with loaded guns, and the remainder carrying clubs and other offensive weapons. About twelve they fell in with a party of nine of the game-keepers, who at first retreated from the formidable force opposed to them, but almost immediately returned with increased numbers.

They were, however, very inadequately armed, Colonel Berkeley, from motives of humanity, not permitting one of them to carry fire-arms when they went upon the watch, in order to avert the danger of such an awful extremity as that which followed. The two parties advanced within about ten yards of each other; when, one of the game-keepers calling out, "we have found you at last," a shot was fired by the

poachers, and immediately afterwards a second, which struck the unfortunate man, Ingram, who instantly fell, and died after a momentary struggle. The game-keepers, seeing they were so unequal a match, then gave way, and fled, several other shots being fired at them in their retreat, to the number of six or seven discharges in the whole, by which six of them were severely wounded; the poachers, during the firing, frequently exclaiming, glory! glory!

The whole of the desperadoes then left the scene of murder in a body, and proceeded to a field near the village of Moreton, where they separated; prior to which, one of them, remarking that, if discovered, they would all be hanged, proposed that they should again swear fidelity to each other, which was done by every man kissing his own hand!

Colonel Berkeley was upon the alert night and day, and led the party wherever there was the appearance of resistance or danger; and he entreated that no one would follow him who felt the smallest dislike to the service, offering, at the same time, to provide for such as might meet with any accident on so necessary an enterprise. The neighbouring magistrates and gentlemen seconded the colonel's efforts, which were thus happily crowned with success.

The prisoners were tried at the Gloucester spring assizes.

From the evidence of Mark Cullimore, game-keeper, and Tho. Clark, park-keeper, it appeared that the manors of Lords Ducie, Miss Langley, and Colonel Berkeley, having been very much infested by poachers, the respective proprietors had employed a number of persons to perambulate the estates, in order to preserve the game, but always without fire-arms. On Thursday night, February 18, these persons met to the number of thirty, and afterwards divided themselves into three parties; the first consisting of eleven men, were those employed by Miss Langley; the second party consisting of ten, and the third containing nine men, were in the service of Lord Ducie and Colonel Berkeley. Some time after they had separated, the attention of the last mentioned body was attracted by the report of two guns, when they immediately made for the spot whence the sound seemed to proceed. As they approached it a shot was fired at them, without any previous notice, but did no injury: but on coming nearer, another discharge took place, which unfortunately killed the deceased on the instant, a portion of the charge having penetrated the heart.

Immediately afterwards a succession of shots were fired, which

severely wounded the following persons: —— Barge, and —— Davies in the head and eyes; Raymond Hensburgh, John King, and —— Berry, in the legs; and another, whose name, was said to be Pinnell, in the thigh. The noise of the firing soon brought up the second party, or probably more murder might have been committed, and, in a little time, Miss Langley's men likewise arrived, when they commenced a pursuit, but although they got a sight of the villains, who were sixteen or eighteen in number, they could not get sufficiently near to secure any one of them. The deceased had been in the service of Colonel Berkeley upwards of five years.

After a trial of two days they were all found guilty, but were recommended by the jury to mercy, with the exception of J. Penny and Allen, who were executed.

GEORGE VAUGHAN, ROBERT MACKAY, AND GEORGE BROWN,

FOR A CONSPIRACY TO INDUCE WILLIAM HURLEY, MICHAEL HURLEY, WILLIAM SANDERSON, WILLIAM WOOD, AND DENNIS HURLEY, *to commit a burglary in the house of Mrs. M'Donald, at Hoxton*, September, 1816.

THERE was also a count in the indictment, charging the defendants generally with conspiring to induce certain persons to commit burglaries, that they might afterwards obtain the reward for their apprehension.

Mr. Gurney addressed the jury on the part of the prosecution, and said it was necessary for the peace and well-being of society that crime should be suppressed, and offenders apprehended; and to accomplish this object it was necessary that reward and encouragement should be given to those persons who risked their personal safety, and frequently even their lives, in the discovery and apprehension of offenders. The law had given reward to such persons, and still the country owed much to individuals who meritoriously performed such services; but as much merit attached to those who well discharged this duty towards the public, great in proportion was the guilt of those, who, for the sake of obtaining these rewards, should lay traps and throw temptations in the way of others, to induce them to commit crimes. Such was the offence with which he had to charge the prisoners at the bar: and in proving his case he should be obliged to have recourse to evidence, which it would be the duty of the jury to look to with suspicion, and receive with caution. The witnesses might, perhaps, differ in some immaterial facts; but if they should agree in the main points, and after being sifted and cross-examined it should appear that there was no reason to doubt the truth of their testimony, he should submit

that, whatever might have been their former associations or modes of living, their evidence was not therefore to be rejected on this occasion. This transaction was brought to light in consequence of five persons, named William Sanderson, William Ward, William Hurley, James Hurley, and Dennis Hurley, being charged with a burglary in the house of Mrs. M'Donald, at Hoxton; and on that occasion Vaughan, who was a patrole, Mackay, who had been in the employ of the city police, and Brown, the other defendant (what he had been, he, Mr. Gurney, could not state), brought the prisoners up, and Vaughan deposed as to the facts of the burglary in question. [Here Mr. Gurney read the depositions of Vaughan and the other defendants, and continued.] Had these depositions been all that passed the magistrate would have completed his duty by committing the prisoners for trial; but the prisoners, on being questioned, said they were taken to the house of Mrs. M'Donald by a man they met at a public-house, and went in with him, but took nothing. Something here occurred, either a look or a word, he (Mr. Gurney) could not say what it was, which excited suspicion in the mind of Mr. Nares, the magistrate, who turned to Vaughan, and observed, "Vaughan, you went to the spot at the time the prisoners were committing the burglary in consequence of information you received? who gave you that information?" Vaughan declined to say who gave him the information, observing, that mentioning names might be attended with danger to individuals, and would operate to prevent their receiving information in future. This, and some other circumstances, induced Mr. Nares to commit the prisoners for re-examination, that he might have time to inquire more minutely into the circumstances of the case.

Mr. Gurney now proceeded, at considerable length, to detail to the jury all the circumstances, as they came out on the different examinations of the defendants and Mrs. M'Donald. The learned counsel read the confession of Mackay, and it was found particularly to relate to the burglary at the house in Gray's-inn-lane. It detailed different conversations between Vaughan, Drake, and Hubbard; in one of which Vaughan undertook to furnish Hubbard with a crow-bar, skeleton keys, and other necessary implements of house-breaking; and in another conversation Vaughan was stated to have said to Drake, "I am told you can do a great deal; can you get two or three men to do a crack?" Drake said he could; Vaughan said, if he did, he should have 5l. after they were committed. This testimony might be said to be that of a party concerned. Some other witnesses which he should have to call, it might be said, bore the same character; but he had another witness to call, a person of the name of Edwards, a police officer also, but one who, it would appear from the testimony of all, even of Vaughan himself, had been admitted into the transaction occasionally, to give it credit, though he had never been in the secret. With this corroborative evidence, he was persuaded the jury would consider the case as complete; and if it should so appear to the jury, they would have no other duty to perform but to find the defendants guilty. It was impossible to aggravate the case by calling the aid of fancy, or by using any

terms that our language supplied. It disclosed an attempt to commit murder by making the law and the administration of justice subservient to so horrid a purpose. Nothing could be said in palliation of such an offence—nothing could be pleaded in its favour to reduce our indignation against it.

The examination of a number of witnesses, who made good Mr. Gurney's statement, then followed, and after the case was closed on the part of the crown,

Mr. Arabin addressed the jury on the part of the defendants. His learned friend had said he would not ask the jury to find the defendants guilty, unless the evidence of the five men, and that of Drake, was corroborated by the pure testimony of unconnected witnesses. Had the evidence of that wretched and infamous man been corroborated? It was far from his intention to deny that a conspiracy did exist somewhere, and that Drake was deeply implicated in it: but, in his opinion, Vaughan had no concern whatever in it; on the contrary, he was persuaded that Vaughan, as well as Edwards, had been made the dupe of Drake's arts, and that a desire to do his duty towards the public had led Vaughan into the error into which he had fallen.

Mr. Arabin then called *Edward Christian, Esq.* Chief Justice of Ely, who stated, that the prisoner, Vaughan, had been in his service as a clerk, and, up to the time of this unfortunate transaction, he had always had the highest opinion of him.

The chairman recapitulated the evidence. The jury after a few minutes' deliberation, found all the defendants guilty.

The court immediately proceeded to pass sentence. The chairman commented, in impressive terms, on the enormity of the crime of which the defendants had been found guilty, and sentenced them to be imprisoned for five years in the House of Correction, and at the expiration of that time to find security for three years, themselves in 80l. and two sureties in 40l. each.

SUSANNAH HOLROYD,

FOR POISONING HER HUSBAND, HER SON, A BOY ABOUT EIGHT YEARS OF AGE, AND ANN NEWTON, AN INFANT, AT ASHTON-UNDER-LINE,

At Lancaster, September, 1816.

MATTHEW HOLROYD followed the trade of a weaver. He had frequent quarrels with his wife, the prisoner

at the bar, by whom he had three children, the last of whom was mentioned in the present indictment. The prisoner was in the habit of nursing illegitimate children, one of whom likewise she was now charged with murdering. About a month before she committed this barbarous act, she had a very extraordinary conversation with Mary Newton, the mother of this infant, who resided in the house with her. She told her that she had had her fortune read, and that in the course of one week, and within six weeks from the period on which she was speaking, three funerals would go from her door. One of the victims was her husband, another her son, and the third the child of the person to whom she was addressing herself. She did not delay her purpose, however, till the six weeks of the fortune-teller had expired; for in about a month afterwards she went to a chemist's shop and purchased an ounce and a half of arsenic, to fulfil the prophecy. This was on Saturday, the 13th of April, or Easter-eve. Next morning her husband had some coffee for his breakfast, and soon after became ill. To restore him, she prepared him some water gruel, in which she mixed the poison. The wretched man immediately felt that the gruel had a peculiar taste, and refused at first to drink it; but she urged him so strongly, by telling him that it was the last gruel she ever would prepare him, that he complied with her entreaties, not knowing the enigma hid under these expressions. As he grew worse she called in medical assistance, the better to allay suspicion, and was entrusted by the medical man with remedies to be administered; but she refused to administer them, saying, it was of no use, for her husband would die. After the death of the deceased, the prisoner was taken into custody, and before the coroner made a full confession of the murder.

John Taylor, a chemist at Ashton-under-Line, proved that he sold on ounce and a half of arsenic (or mercury, as the common people call it) to the prisoner, for destroying rats and mice.

Mary Newton had lodged with the prisoner for ten or eleven weeks previous to the murders, and had her child, Ann Newton, about fifteen weeks old, in the house with her. She remembered Matthew Holroyd becoming ill on the 14th of April, and he complained of a fire or burning pain in his stomach. His son sicken-

ed about the same time. When his wife gave him the gruel, the witness heard him say, Susy, you have put pepper in this gruel; which she denied, but he persisted in it. She threatened him with cooking no more for him while he lived, if he did not drink it. He died on the Friday morning at six o'clock, after a week of severe agony; and his son survived him only six hours. The child of the witness, which was under the care of the prisoner when witness went out to work, died on the Tuesday at six o'clock in the evening, with violent retchings, convulsions, and vomiting like the husband and son of the prisoner. This witness recounted the story of the fortune-telling, as stated above. There were no rats or mice in the house to justify the purchase of arsenic.

Samuel Newton, a constable, presented to the court the confession of the prisoner before the coroner. The confession was read, and acknowledged the murder in the most unreserved manner.

The judge summed up this evidence, and the jury returned a verdict of—Guilty.

The judge immediately pronounced the sentence of the law, that Susannah Holroyd, being convicted of so atrocious a crime, should be hanged on Monday; and her body given for dissection.

The prisoner, who had continued during the whole of her trial apparently insensible to her awful situation, and had even heard the word guilty without betraying any symptoms of emotion, seemed impressed with the solemn formalities and moving address that accompanied the delivery of her sentence. The sympathy of the numerous crowd that attended this trial was powerfully turned against the prisoner, not only from the natural horror felt at the crime for which she was doomed to suffer, but from a very general belief that, in her occupation of nursing illegitimate children (who are frequently neglected by their natural guardians), she had murdered at different times several infants, in the same manner as she had lately done her husband and the two other victims of her unprovoked malice.

QUETEL VERSUS VALDEMPIERRE,

ABOUT FOUR BOTTLES OF WINE, 1816.

THE Criminal Section of the Court of Appeal was occupied on the 7th of October, 1816, with a very

serious case, although originating only in a trifling wager of four bottles of wine; but the parties contrived by their obstinacy to involve in this law-suit their fortune, their liberty, and their honour.

Quetel, one of the parties, in passing through Troarn, in Calvados, stopped at the inn of Valdempierre, the other party, where he slept. After supper he made a bet of four bottles of wine with the innkeeper; he lost the bet, and refused to pay it. Valdempierre detained as a pledge the horse of Quetel. The latter set out for Caen, and summoned Valdempierre to restore his horse and his portmanteau, containing a bag of 1220 francs in gold. Valdempierre offered to give up the horse, but not the bag and portmanteau. The Civil Tribunal decreed that Quetel should have his horse on giving security for the expense.

Quetel now accused Valdempierre in public of having robbed him of a bag, containing 1220 francs; and the latter instituted a suit against him in the Criminal Court for defamation. On the other hand, Quetel charged him with robbery. This latter charge was rejected, and the Criminal Court declared Quetel guilty of defamation, and sentenced him to a year's imprisonment, a fine of 3000 francs, interdiction from the exercise of civil rights for ten years, and to pay 15,000 francs damages and costs.

From this sentence Quetel appealed, and demanded that the cause should be sent back to the Civil Tribunal before which it had been brought at first. Double proceedings took place, in which two decrees of the Royal Court were obtained against Quetel. Then followed an appeal from each of these decrees, both of which the Supreme Court confirmed.

People acquainted with such proceedings may calculate the enormous expenses which this singular affair cost the obstinate Quetel. His fortune, which was considerable, was nevertheless scarcely able to sustain it. Eighteen witnesses were heard on this novel trial, volumnious memoirs were printed, the most able advocates retained, and paid, and all about four bottles of wine!

MAJOR-GEN. SIR R. THO. WILSON, MICHAEL BRUCE, Esq. AND CAPT. J. H. HUTCHINSON,

FOR AIDING AND ASSISTING IN THE ESCAPE OF GEN. LAVALETTE.

December, 1816.

Of these gentlemen the first has rendered himself conspicuous by his military services, by his account of the Egyptian campaign under General Abercrombie, and by his parliamentary career. The second was a private person visiting Paris; and the third a British officer, with his regiment quartered in that capital.

The following narrative of the escape of Lavalette, is extracted from a letter written by Sir Robert Wilson to Earl Grey in England, and acknowledged by himself.

The plan agreed upon was, that Lavalette, who, after having succeeded, on December 20th, in getting out of prison disguised in his wife's clothes, and lay concealed in Paris, should put on an English uniform, and be conducted by Sir Robert Wilson beyond the barriers in an English cabriolet, which should carry him to Compiegne, whither an officer named Elliston should bring Wilson's own carriage: into this they were to enter, and to pass through Cambray to Mons. For the execution of this design, passports were procured from Sir Charles Stuart, at the request and upon the responsibility of Sir Robert Wilson, for a fictitious general and colonel, which were duly countersigned; and Elliston having obtained them, hired post horses for the carriage of the supposititious colonel, and took for him an apartment and a coach-house at an hotel. Bruce procured Lavalette's measure, which Hutchinson gave to a tailor for providing a great-coat, waistcoat, and pantaloons; and it was determined that on the evening of Sunday, January 9th, Lavalette should be removed to Hutchinson's lodgings, in order to be taken up there on the next morning. At the hour appointed, Wilson, Bruce, and Elliston having repaired to Hutchinson's apartments, Lavalette was introduced by a person who had conducted him, but did not enter the room. The fugitive was dressed in a blue uniform, and disguised in such a manner that he might pass without remark among Englishmen. He appeared greatly moved; but that he might not give vent to his sentiments of gratitude, Wilson and Elliston withdrew.

On the following morning, at half past seven, Wilson was at Hutchinson's door with his cabriolet, in which the fugitive was soon seated, Hutchinson accompanying them on horseback, and they passed the barrier of Clichy with little observation.

Lavalette having very marked features, some alarm was excited at La Chapelle, where they changed horses, by four gendarmes who hovered about them; but Hutchinson gave answers to their questions which satisfied them. They passed other gendarmes who had bills containing a description of Lavalette, which had been dispersed throughout France. Some grey hairs appearing from under his brown wig as they were approaching Compeigne. Wilson with a pair of scissars acted as his friseur. In that town they were conducted to a retired quarter, where they waited till the carriage from Paris arrived with Elliston. Wilson caused the lamps to be lighted, that they might appear without apprehensions, and having taken leave of their friends, they set out well armed; prepared to resist in case they should experience any obstacle.

Though much questioned at the stations for the relays, they were not detained till they reached Cambray, when they were kept three hours at the gate through the fault of the English guards. In passing through Valenciennes they were three times strictly examined; and underwent another and last examination at some distance from the garrison. They safely reached Mons to dinner; and after Sir R. Wilson had made all suitable arrangements for the fugitive's further journey, he took his leave and returned by a different route to Paris, after an absence of sixty hours.

The letter to Lord Grey, from which the preceding narrative is drawn, being intercepted by the police, occasioned the arrest of the three gentlemen who are the subjects of this trial. Sir Charles Stuart, the British Ambassador, being informed of this circumstance, wrote a note on the same day, January 13th, to the Duke de Richelieu, intimating that as he had repeatedly manifested his determination to extend his protection to no person whose conduct endangered the safety of that government, he should have been flattered by a communication of the motives for such a proceeding against the individuals in question. The duke, on the same day, not as an answer, wrote a note to Sir Charles Stuart, enclosing a letter from the minister of police, which stated that Sir Robert Wilson, Mr. Bruce, and another person, were accused of having favoured the escape of Lavalette; adding, that their trial was about to commence, but that they would fully enjoy all the facilities afforded by the French laws for their justification.

On that and four subsequent days Sir Robert Wilson was submitted to interrogatories from commissioners of the police, which he refused to answer, and

on the 17th he was removed to the prison of la Force. Several questions were also put to Messrs. Bruce and Hutchinson, who were removed to the same prison. In the subsequent examinations the share taken by these gentlemen in the escape of Lavalette from France was freely admitted, as indeed it was rendered undeniable by Sir Robert Wilson's intercepted letter to Lord Grey; but the charge of conspiring against the French government, which was deduced from expressions in this letter and other seized papers, was strenuously disavowed and refuted.

The Assize Court sat on April 22, when the trial of the three English prisoners, which attracted a very numerous auditory, commenced at eleven o'clock. The president was M. Romain de Seze, and M. Hua, advocate-general, acted as public prosecutor. The advocate for the prisoners was M. Dupin.

Sir Robert Wilson appeared in grand uniform, decorated with seven or eight orders of different European states, one of which was the cordon of the Russian order of St. Anne. Captain Hutchinson wore the uniform of his military rank. When the accused were called upon to give their names and qualities, Mr. Bruce said with energy, I am an English citizen. The president observed, that though relying on their correct knowledge of the French language, they did not ask for an interpreter, yet the law of France willed that the accused should not be deprived of any means of facilitating their justification, even when unclaimed; M. Robert was accordingly named and sworn to that office.

Mr. Bruce, speaking in French, then said, that although he and his countrymen had submitted to the law of France, they had not lost the privilege of invoking the law of nations. Its principle was reciprocity; and as in England French culprits enjoyed the right of demanding a jury composed of half foreigners, it appeared to them that the same right, or favour, could not be refused to them in France. The decision of several eminent lawyers of their own nation had strengthened them in this opinion; but the justice which had been rendered them by the Chamber of Accusation, in acquitting them of one charge, had determined them to renounce this right, and they abandoned themselves without reserve to a jury entirely composed of Frenchmen. That, however, no precedent might be drawn from their case against such of

their countrymen who might hereafter be in the same situation, they had made special declaration of the purpose of their renunciation.

M. Dupin moving the court that this declaration might be entered on the record, the advocate-general expressed his astonishment at a claim in France, for an offence committed in France, of the privileges of a foreign legislature; and opposed entering the declaration. After some argument on the subject, the court pronounced the following decision:—"Because every offence committed in a territory is an object of jurisdiction, and because the exception demanded by the prisoners is not allowed by any construction of the criminal code of France, the court declares that there is no ground for recording, at the request of the English prisoners, the declaration now made by them; the court therefore orders the trial to proceed."

The arret of the act of accusation drawn up by the procureur-general was then read, which took up more than two hours. The advocate-general then briefly recapitulated the facts in the indictment, distinguishing them as they applied to the different prisoners; and remarked that the chamber had remitted to the three Englishmen the charge of having conspired against the legitimate government of France. After the interrogatories of some of the other prisoners, the president addressed himself to Mr. Bruce. To the question whether it was not to him that the first overture was made of the plan of transporting Lavalette out of France: he replied, "If possible I would have effected his escape alone; for I could not repulse a man who had put his life into my hands. I, however, obtained his consent to confide his secret to one of my friends. I spoke to one friend, who gave me a charge to another. I will not name these friends; they will name themselves."

Captain Hutchinson then declared it was himself who received Lavalette at his house previously to his escape, and escorted him on horseback; and Sir R. Wilson took upon himself the whole measures adopted for his escape, and acknowledged all the facts related in the act of accusation.

This open confession rendered superfluous, with the

spect to them, the testimony of any witnesses; the appearance of *Madame Lavalette* was, however, too interesting to be passed over. At her entrance a general murmur of feeling or curiosity was heard, and the three gentlemen saluted her with a profound bow. Overpowered by her emotions, she was scarcely able to articulate; at length, being told by the president that she was summoned only on account of some of the accused, who had invoked her testimony, she said, "I declare that the persons who have called me contributed in no respect to the escape of M. Lavalette (meaning *from prison*:) no one was in my confidence: I alone did the whole." Being desired to say whether she had ever seen or known the English gentlemen, she looked at them for a moment, and declared that she had never known nor before seen them.

On a subsequent audience, April 24th, M. Dupin opened his defence of the English gentlemen, and coming to the principal legal point of the case, he reduced it to the two propositions, 1. There was no act of *complicity* between the accused persons and the principal culprit: 2. The fact imputed to them cannot be considered as a crime, nor as an offence. As the arguments employed to support them were little more than legal sophisms, it is unnecessary to recite them. The pleading concluded with a particular recommendation of the accused to the court as *foreigners* and *Englishmen*.

The proceedings having closed, *Sir Robert Wilson* rose, and with dignified confidence delivered a speech. Having acknowledged that he had been interested in the fate of Lavalette, on political grounds, he declared that such considerations had a very inferior influence on his determination.

"The appeal (said he) made to our humanity, to our personal character, and to our national generosity; the reponsibility thrown upon us of instantly deciding on the life or death of an unfortunate man, and above all, of an unfortunate foreigner—this appeal was imperative, and did not permit us to calculate his other claims to our good will. At its voice we should have done as much for an obscure unknown individual, or even for an enemy who had fallen into misfortune. Perhaps we were imprudent; but we would rather incur that reproach than the one we should have merited by basely abandoning him, who, full of confidence,

threw himself into our arms: and these very men who have calumniated us, without knowing either the motives or the details of our conduct—these very men, I say, would have been the first to stigmatize us as heartless cowards, if, by our refusal to save M. Lavalette, we had abandoned him to certain death. We resign ourselves with security to the decision of the jury; and if you should condemn us for having contravened your positive laws, we shall not at least have to reproach ourselves for having violated the eternal laws of morality and humanity."

Mr. Bruce delivered a speech of the same general tenor in animated language, and with a firm and manly tone.

"Gentlemen (he concluded,) I have confessed to you, with all frankness and honour, the whole truth with regard to the part which I took in the escape of M. Lavalette; and notwithstanding the respect which I entertain for the majesty of the laws, notwithstanding the respect I owe to this tribunal, I cannot be wanting in the respect I owe to myself so far as to affirm, that I feel not the least compunction for what I have done. I leave you, gentlemen, to decide upon my fate, and I implore nothing but justice."

The president then concisely summed up the evidence, and gave a charge with great impartiality, and with the eloquence commonly studied at the French bar. The jury then retired to deliberate, and in about two hours returned with a verdict of *Guilty* against Messrs. Wilson, Bruce, and Hutchinson.

The president then read the article of the penal code applicable to the convicts, in which the punishment prescribed was imprisonment for a term not exceeding two years, nor less than three months; and without hesitation he pronounced for the shortest allowable term.

Sir Robert Wilson was afterwards struck off the British army list, but indemnified by a public subscription amounting to several thousand pounds.

JOHN CASHMAN, JOHN HOOPER, R. GAMBLE, W. GUNNELL, AND J. CARPENTER,

FOR BURGLARY AND RIOT. JANUARY 17, 1817.

The prisoners were indicted for stealing, on the 2nd of December, 1816, twenty fowling-pieces, value 200*l.*; one musket, value 10*l.*; two blunderbusses, value 10*l.*;

ten pair of pistols, value 50*l.*; and twenty steel shot charges, value 40*l.* the property of William Andrew Beckwith, in his dwelling-house; Charles Griffin, George Lidyard, Edward Hone, John Roberts, and Henry Beckwith, being in the said dwelling-house, and being respectively put in fear by the prisoners.

Andrew Beckwith, sworn. I live at No. 58, Skinner Street, I am a gun-maker. On the 2d of December last, I went out between eleven and twelve o'clock in the morning; there were a great number of guns and pistols in my shop window; I returned about three o'clock in the afternoon. My house was perfectly safe when I went out; when I returned I found my house in a very demolished state; the shop window frame and windows were broken. The shop is part of my dwelling-house; I found I had lost guns, pistols, powder, shot, and shot-charges, amounting together to 1349*l.* 15*s.* 6*d.* in value.

John Roberts. I was Mr. Beckwith's apprentice on the 2d of December last. A young man came into the shop on that day, about twenty minutes after twelve o'clock; and in about a quarter of an hour about four or five hundred came, and said they would have the young man out of the shop; he had been taken into custody for shooting Mr. Platt. The young man was afterwards rescued; the mob broke open the shop before they rescued him. The left hand window was broke—the glass was broke first, and afterwards the frame; they then proceeded to take the guns and pistols by putting their hands in at the window. They afterwards came into the shop and took the guns out. I saw the prisoner Cashman there, he was in the shop, opening the drawers, and taking the articles out; he took some shot-charges out, and some guns, and distributed them amongst the mob. I should think that he took a dozen, all at one time. He was backward and forward in the shop; I did not see him go out of the shop, he gave the guns out at the door; he took them out of the counting-house, which is within the shop. I am sure Cashman is the man who did it. Edward Hone, the foreman, Henry Beckwith, myself, Geo. Lidyard, and Griffin were in the shop when Cashman was there; I was alarmed. The mob had colours flying about in the street: I rather think Gunnell broke the windows, but I will not be certain, I did not see how they were broken.

Charles Griffin sworn. I live in Skinner Street; I am a perfumer; I was in Mr. Beckwith's shop on the 2d of December last, between eleven and twelve o'clock; the first thing I observed was Warrell, the officer, searching the man whom he had in custody. I was in Mr. Beckwith's counting-house, I stood there about five minutes, and afterwards I went for some handcuffs; I returned in about ten minutes: I went into Mr. Beckwith's shop—a mob was on the outside of the house; the shop was then quite safe. The window towards Holborn was first broken by a brewer's drayman, with a broomstick: Gunnell is the man who did it; I am sure of it. I had observed him before he broke the windows; I saw him break the first window. The prisoners, Hooper and Cashman,

came into the shop afterwards, they came from a flag. I had seen that same flag in Hooper's hands, in the Old Bailey, when I was going for the handcuffs; it had the words, "Soldiers and loving brothers," on it. Hooper and Cashman came to the front door. I was laid hold of by the prisoner, Hooper, and I laid hold of him; Cashman came up and collared me, and asked what was the matter; a third came up, I do not know who he was. Before they came in Hooper hallowed out, "Follow me! follow me!" upon that a rush was made at the door. No windows were broken at that time. When they had hold of me I said, what do you want of me? I came to rescue the man as well as you: I said so for my own safety: they then let me go. They went towards the counting-house; I followed them; I passed them, and laid hold of a blunderbuss, pulled back the trigger, and put it on my shoulder; Hooper took a pistol from his great coat; he presented it, and said, I can do that as well as you; pointing it at me; I was so terrified that I ran up into the kitchen, and did not come down again,

Re-examined by Mr. Gurney, I went to the Mansion-house when I was directed to go; sometimes I was examined, and sometimes not. There were a great many persons against whom examinations were taken. I always answered, to the best of my knowledge, to the questions that were put to me: I did not know that there was a reward offered.

Court. When you returned to the shop in Skinner Street, had you the hand-cuffs open in your hand.—*A.* No.

Samuel Levi, sworn. I am a city constable. On the 2nd of December last, I was on duty in the Exchange; I saw the prisoner Cashman there, he was with the mob; he had a gun with him; I took both him and the gun; I gave the gun to Cartwright, he examined it, it was loaded with small shot and powder.

Daniel Cartwright. I am a city marshalman. I was on duty on the 2nd of December last, at the Royal Exchange; saw Cashman there with the mob; I assisted in taking him. Levi gave me the gun, which I saw taken from him: I examined it, it was loaded with small shot and primed. I said to the prisoner, there is plenty here; it was loaded high. He said he knew it, he brought it for the purpose, either to kill, or be killed. I have had it ever since, and now produce it.

Andrew Beckwith. I believe this gun was in my shop; I had eight or ten of this description. It has the name of Ing on it, and I had some of that name in my house, on that day—they were stolen. I left them there in the morning, and they were gone when I returned.

Abraham Samuel. I know the prisoner, Gamble; I saw him opposite the Exchange; on the 2nd of December last; he had a gun, and was with the mob. The gun was in his own hand, or on his shoulder.

John Gough. I am an officer of Union-street. I apprehended the prisoner, Gamble, about two o'clock, on the 2nd of December, at Queen-street, in the Borough; he had a gun under his right arm at the time; I gave it to May. I am sure the prisoner, Gamble, is the man; I took him. After I had taken him and the gun,

I observed his face was very black. I asked him where he had got the gun; he said he had picked it up in Skinner-street—it was a dirty day. I examined the gun, the butt end of it was dirty, but the other part was not dirty. The dirt at the butt end was as it would be from putting it on the ground.

John May. I produce the gun, which was delivered to me by the last witness. I have had it ever since.

Mr. Beckwith. This gun was in my east side window, on the 2nd of December, when I went out, it was not there when I returned; it is mine; it is worth 14l. 14s. I made it for a gentleman at Kingston, and exchanged it with him for another, as it was too heavy for him. It is my own work.

John Roberts. The gun produced was in the shop on the 2nd of December, it was in the window; it was about the third gun from the glass. It was not sold. I was in the shop all day, until the mob came.

Thomas Friend. I am an officer of the Borough. I produce a pistol which I received from Mr. Hill, shopman to Mr. Willis, who is a pawnbroker in the Borough, on the 6th of December. I apprehended the prisoner Carpenter, on the 14th of January.

William Hill. I am servant to Mr. Willis, who is a pawnbroker, in the Borough. The pistol produced, was brought to me to pledge by Eliza Owen, on the 5th of December; I stopped her and the pistol, and went to Friend.

Eliza Owen. The pistol produced, I took to the pawnbroker's to pledge; I got it from the prisoner Carpenter; he told me to pledge it on that same day, it was the 5th of December.

Mr. Beckwith. I believe this pistol to be the one which I bought of Mr. Mortimer; I bought such a pair of pistols from him, it has his name on it; I bought two brace of them; I have the fellow, is was stolen, and I received it from the Lord Mayor, at the Mansion House. I have not sold either of the two brace of pistols which I bought of Mortimer. I lost them on the 2nd of December.

John Huggins. I am a wholesale milkman, and live in Paternoster-row. On the 2nd of December, I was near the north door of the Exchange, and saw the mob there; saw the Lord Mayor very active, and saw Sir James Shaw seize the flag; I sprang forward and seized the prisoner, Hooper, took him into the Exchange, and held him until the doors were shut. I put my hands into his coat, and found a brace of pistols under his coat; I took them out, and tried one of them, and found it was charged, and loaded with ball. I did not examine the other. I gave them to the officer.

Edward Goodspeed. I am constable of St. Andrew's Holborn, and was in Spa-fields on the 2nd of December. I saw the prisoners Cashman and Hooper, in the waggon there; I was afterwards in Coppice-row; I then saw both Hooper and Cashman in the mob there; saw Cashman with the flag in his hand; I saw Mr. Stafford there; the mob were knocking him about; he called out for help; he was taking hold of one of the colours; the mob were pressing him.

F. Windermede. I live in Horse-ferry-road, Westminster, and

am the proprietor of the waggon which was in Spa-fields on the day the mob was there. It was hired on the 27th of November, which was the Monday preceding the day. On the Monday evening, the person who had hired the waggon came to me; the prisoner Hooper was with him. I received directions from both of them, to be at the top of Chancery-lane, Holborn end, at nine o'clock; I was there at the appointed time. The other man and Hooper came to me there, and put something in the waggon; I afterwards found it to be colours; those produced are the same; there was a small bundle put in the waggon. After the mob had left Spa-fields, I found the bundle to contain bullets, and a cat of gunpowder, and some lead cut to pieces; I think Hooper put it in; if he did not, he was present at the time. After the things were put in, we proceeded towards Spa-fields; Hooper rode in the waggon; there was a large mob round the waggon in Spa-fields. After some time, the mob left the waggon; Hooper was in the waggon when the flags were displayed. Cashman was in front of the waggon, and had one of the colours. Hooper and Cashman went away with the mob. I delivered the bullets and powder to Gillman.

Gillman. I received the bullets and powder from the last witness; there are from sixty to one hundred bullets, about a pound of powder, and some slugs.

[*The remainder of the evidence will be found in the subsequent trials of Watson and others.*]

Cashman's Defence. I went to the London Hospital that morning to see my shipmate, who was ill. I took a letter for a gentleman to the Admiralty; I returned and went to Rosemary Lane; I staid there some time; I was sent back to the Admiralty, and as I was returning, the people were running; I ran with them, took the arms from the men, and was taken into custody. The two men, when they were examined before the Lord Mayor, said that I was drunk, and so I was. The man who took the musket from me said I was drunk.

Hooper's Defence. I was informed that there was no material evidence against me, in consequence of which, I was admitted to bail; it now appears to-day that there is frightful, terrible evidence against me. Griffin often came to look at me at the Mansion-House, but he never brought any evidence against me; Ledyard also, never appeared against me till this time; seeing this is the case, I am altogether unprepared to meet it. I never carried the colours; I certainly had a tri-coloured cockade in my hat. On my leaving Spa-fields, I came into the city for the purpose of calling

on the Lord Mayor, to inform him that they were rioting, and to prevent them from plunder; I never entered Beckwith's shop.

Gamble's Defence. On the 2nd of December, I went out to look for work; I was in Holborn, and followed the people to Spa-fields. I followed the mob from Spa-fields to Mr. Beckwith's shop. I picked the gun up in Skinner-street. I went home to Union-street, in the Borough. I was taken into custody about two o'clock.

Gunnell's Defence. I am very wrongfully accused of breaking the windows. I had not got a broomstick in my hands on that day, nor was I in the shop, or near it.

Carpenter's Defence. On the Monday in question, I went to the London-docks to look for work; I could not get any; and while going to Spa-fields I heard of the riot at the Mansion-house, and went there. The pistol was forced into my hands, powder and shot was offered me; I said I had no use for it. I took the pistol, as I was afraid of my life, and went home. I was at home by one o'clock; I have witnesses to prove that I was at home at that time.

Mr. *Francis Hobler* then read the evidence of Mr. Griffin against Cashman, at the Mansion-house; as follows, "The prisoner Cashman came to me and collared me, and I presented the blunderbuss; and *Cashman* said, he could do that as well as me, and he (Cashman) presented the pistol."

Mr. Griffin re-examined.

Court. It appears by referring to your examination before the Lord Mayor that you said Cashman presented the pistol to you.

A. Hooper, as well as Cashman were under examination; Hooper was dressed in a great coat, and stood next to Cashman; I was asked whether the man next to Cashman did it; I said the man in the coat. I did not read my affidavit before I signed it.

The jury found John Cashman *Guilty*, and he was accordingly executed opposite Mr. Beckwith's house, on Snow-hill. The other prisoners were acquitted.

JAMES WATSON, ARTHUR THISTLEWOOD, THOMAS PRESTON, AND JOHN HOOPER,

FOR HIGH TREASON,

KING'S BENCH, WESTMINSTER,

June 9, 1817.

On Tuesday, April 29, the grand jury delivered in their presentment, on which it was stated that they found true bills against ARTHUR THISTLEWOOD, JAMES WATSON the elder, THOMAS PRESTON, and JOHN HOOPER, for high treason. And on Saturday, May 17, the prisoners were brought from the Tower, for the purpose of being arraigned.

At the conclusion of the reading of the indictment each prisoner, (beginning with Thistlewood, and ending with Hooper,) was called by name, and asked "if he was guilty of the premises charged in the indictment, or not guilty." They severally answered "Not Guilty."—*Mr. Dealtry.* How will you be tried? *Prisoners.* By God and our country.

On Monday, June 9th, the jury being sworn, *Mr. Barlow*, the clerk of the Crown Office, proceeded to read the indictment, in substance as follows:—

There are four counts in which the traitorous object is laid in four different ways; but the overt acts from which those objects are inferred, are the same in all, except the third count, in which the riotous assembling and parading on the 2d of December, is described as having been with the intention of subverting the government, and dethroning the king, acts technically known under the name of levying war. 1st count: compassing and imagining to put the king to death;—2d ditto, compassing and imagining to depose the king;—3d ditto, levying war;—4th ditto, conspiring to levy war against the king, in order to compel him to change his measures.

There are fourteen overt acts charged to prove the treasons alleged in the 1st, 2d, and 4th counts, namely: 1st overt act; consulting to devise plans and means to subvert the constitution, and depose the king;—2d ditto, consulting to levy war, and subvert the constitution;—3d ditto, conspiring to attack the Bank and Tower;—4th ditto, conspiring to seduce soldiers and others;—5th

ditto, ordering pike heads, &c.;—6th ditto, providing arms and ammunition;—7th ditto, conspiring to burn barracks;—8th ditto, hiring a house to keep combustibles;—9th ditto, conspiring to procure meetings in Spa-Fields;—10th ditto, treating for the hire of waggons and stages;—11th ditto, hiring a waggon, providing arms, ammunition, and banners, making harangues, &c.;—12th ditto, parading the streets, attacking gun-smiths' shops, &c.;—13th ditto, addressing soldiers in the Tower;—14th ditto, levying war.

The third count is for levying war as a substantive treason, without any overt act.

The *Attorney General* gave the following narrative of all the circumstances connected with the conspiracy. The principal parties concerned in it were Watson, Preston, Hooper, and Thistlewood. Watson had for some time lived in Hyde-street, Bloomsbury; on the 25th of November, he went and took a lodging at No. 1, Dean-street, Fetter-lane, and it was not certain whether the people belonging to the house in Hyde-street, where he lived, knew of his taking this lodging: from the latter place he went away on the 25th, and did not return to it again. Thistlewood lived in Southampton-buildings, Chancery-lane; and Preston lived in a house in Greystoke-place; the house No. 9, in that place, was his residence; and that was the place to which all references respecting Hooper were to be made. It appeared, then, that up to the 25th of November, Watson resided in Hyde-street; and that on the 2d of December, his residence was in Dean-street, Fetter-lane. Preston still continued in Greystoke-place; and this would appear to have been a most important spot, so far as regarded the transactions which were to be detailed to the jury. It would appear to have been their constant place of meeting, and that it was, in fact, the head-quarters of the conspiracy. In the month of October, a person named Castle, whom he should call as a witness, got acquainted with Watson and Preston; he first met them at one of the meetings of a society which was called the Spenceans; the place of that meeting was the Cock, in Grafton-street, Soho. It was not his intention to enter into any comments respecting the nature or tendency of these Spencean Societies. He should merely observe, that one of their leading principles was

—that all exclusive possession in land was unjust and oppressive; and that all the land of the kingdom ought to be made the common property of the people. It was unnecessary for him to point out the folly or the wickedness of this plan; however, such must be obvious to every body; he should merely say, that were it possible to carry so wild a scheme into effect, it would bring about the destruction of all property, and entail misery on the very parties intended to be benefited by it. Another principle mentioned by the Spenceans was, that fundholders had no right to the annuities which they received; so that the whole of these doctrines led directly to one universal system of proscription and spoliation of property.

It was, as he had observed, at one of the meetings of this society, that the witness, Castle, first became acquainted with Watson. On a subsequent evening they met at another of those societies, which was held at the Mulberry-Tree, in Moorfields. It was there he first saw Thistlewood; and on that occasion, a sort of intimacy commenced between Castle and Watson. They walked together from the place, and as they went away, Watson endeavoured to sound him as to his principles; and when he discovered that they were somewhat similar to his own, he began to talk to him about the subversion of the government, and remarked how easily such a thing could be effected, provided the business was well managed. Castle then gave Watson his direction, which was somewhere in or near Gray's Inn-lane. Here Watson called upon him on the 26th of October, and explained to him the object of his visit, which was to collect together as many of the labouring poor who might be out of employment as they could; to take advantage of the distresses under which they suffered, and induce them to become instruments for carrying their plan into effect. This was nothing less than that revolution which was to bring about an equal division of the land of the country. At the same time Watson produced a machine by which the horses of the cavalry might be disabled and destroyed; and shewed him a plan of the Tower of London, which was to be one of the objects of their attack. Now in corroboration of this statement

which should be made by the witness, Castle, he should lay before the jury a remarkable piece of evidence. After the affair of the 2d of December last, the lodging of Watson was searched, and in it was found two papers; one of them was a plan of the Tower, and the other was a description of the iron cat, by which it was intended to disable cavalry from acting. These were the two things shewn by Watson to Castle; and these were found at the lodgings of the former.

At the interview to which he now alluded, they talked about money and finances, on which occasion Watson said the parties engaged in the business had money enough. In the course of their conversation, the same day, Watson declared, that nothing but a revolution would be beneficial to the lower classes of the people, or alleviate their sufferings. After this, the parties had frequent meetings and conversations respecting their plan for effecting a revolution. In one of these conversations, Watson said to Castle that he (Watson) was to be one of the generals of the revolutionists; but that Thistlewood was to be at their head. One part of their plan was, to prevent the king's soldiers from acting against them; and that was to be effected by destroying the barracks in which they were quartered, and in such a manner as to destroy the soldiers also. Monstrous and impracticable as such a plan as this might appear to be at first view, it was not to be estimated by the degree of folly belonging to it, but by the depravity of mind by which it had been conceived. Sometimes the wickedness of a man was so great as to lead him to adopt the most inconsistent means for effecting his object; and therefore the absurdity of his plan could not be used as an argument against the probability of its having been devised.

After having thus conferred upon the means of destroying the soldiers, Watson and Castle went together to visit the barracks and magazines in Hyde-park, in order to devise the best mode of ascertaining how they could be attacked. This was done previous to any conference being held with Thistlewood on the subject. The next day Castle was introduced to

Thistlewood, and then a conference took place between them respecting pikes or pike heads, when it was proposed to Castle, whose trade was that of a blacksmith, that he should make a number of pike heads. They were not to be made at the place where he worked, as he was only a journeyman. After this, Watson and Castle proceeded together to Paddington and streets adjacent, where there were several persons in great distress and out of employ, in order to work upon them and make them instrumental to their designs; for which purpose they were told that they never could be relieved from their distresses, unless something decisive was done. Among other places, Watson desired Castle to sound the navigators at Paddington. If the jury did not know what the term navigators meant, he would inform them that it was a term applied to the persons then employed in cutting the Regent's Canal, near Paddington. They were men who possessed great physical strength; and, if wicked enough to enter into such a design, were capable of being very able associates in carrying it into effect. These men were to be sounded as to their opinions, and every effort was to be made to stir them up into discontent. After this, Castle went to the Cock public-house, and there became a member of the Spencean society. On this occasion Watson paid the money for his admission. On the 31st of October, Castle went for the first time to Greystoke-place, and when he came there, he was told by Watson that he was made a member of their committee, which was to consist of six persons.

It appeared that a person of the name of Harrison had been materially connected with those parties; but in consequence of a dispute which he had with young Watson, he quitted the society before any of these objects had been accomplished. His place in the committee was to be supplied by Castle, and the remaining members were the two Watsons, Preston, Hooper, and Thistlewood. In the conversation which they held respecting the means of carrying their plan into effect, it was stated that they might rely on getting over a great part of the foot soldiers to join them; but that they could place no dependence on the cavalry,

For his part he did not believe that they had the slightest foundation for any hope of the kind; for although there might be some unprincipled and wicked men among all classes of society, he could never think that any considerable number of the military would be so criminally forgetful of their duty as to turn their arms, in combination with traitors against their king and country.

It was, however, a part of the conspirators' plan that the cavalry, on which no dependence could be placed, was to be attacked. They were to begin with the cavalry barracks in Portland-place, and these barracks were to be burnt. Watson being, in consequence of his profession, skilled in chemistry, and well acquainted with the qualities of combustible materials, was desired to make a calculation respecting the quantity of materials that might be necessary, and the expense of them; and it was then stated, that these combustibles would not merely burn the barracks, but destroy the soldiers, by stifling them before they could leave their rooms. The only question of difficulty was, how the combustibles could be disposed of, until the time came for using them. This difficulty was soon removed; it was agreed that a house should be taken contiguous to the spot, on pretence of converting it into an oil-shop, to which barrels of tar, pitch, and other combustibles might be conveyed without any suspicion. They soon found out an empty house in Seymour-street. They repaired to the owner, a respectable gentleman of the name of Cosser, residing in Milbank-street, Westminster, who had no notion of the use to which the house was to be converted, and who was referred to Thistlewood, in Southampton-buildings, for the character of the person who was to take the house. Mr. Cosser went to make inquiry respecting this reference, and when he found that Thistlewood was only a lodger, he would not let the house to the parties; and for that reason only it was not taken, and the scheme was abandoned. The person named Harrison, whom he had already mentioned, had left the society in consequence of a quarrel with young Watson, and in consequence of being alarmed at its proceedings.

The parties having then given up the plan of the house, agreed to have a number of pike-heads made; and Castle was appointed to go to a person, from whom he could get a pattern of a pike-head. He was desired to say to the person that it was wanted to form part of an iron fence, which was to inclose a rabbit warren: the name of the person was Bentley. He had no supicion as to the object the parties had in view; and he gave a pattern of one of those instruments which he supposed was intended to form part of a fence. When this should be produced in court it would be found to be a terrible instrument of death, and even of war. An order then was given for two hundred and fifty pikes, to be made exactly resembling the pattern in question: they were made at Bentley's work-shop, and taken away by young Watson and Castle, and carried by them to Watson's lodging in Hyde-street. Castle did not afterwards know what became of those pikes, but a most extraordinary circumstance respecting them would be shewn in evidence, by which it would appear that after Watson left his lodgings in Hyde-street, a privy belonging to the house was searched and emptied, and in it were found one hundred and ninety-nine pikes, exactly resembling those which had been ordered of Bentley.

It is not necessary for me to enter into a minute detail in further explanation regarding these pikes, or pike-heads; but I now come to a most important fact. Something like an organization was agreed upon, and the prisoners, with others, whom you have heard named, were each appointed to their respective offices. Thistlewood was to have the command: Watson, sen. was to be second; Hooper third; Castle fourth; Watson, jun. was to be fifth; and Preston, who was lame, had the last post assigned him. It was at first agreed upon at a meeting held by these parties, on the 10th of November, that an insurrection should take place on the first assembly at Spa-fields. This, however, was abandoned, and it was merely determined upon to congregate the people together, for the purpose of discussing the state of the times, and seeking a redress of grievances. About this time there were placards and advertisements is-

sued, signifying that there had been adopted a "Committee of Public Safety." To this announcement there were attached certain names, which, however, in justice to them, I must declare my consciousness, that they did not even know they had ever been mentioned. But mark how extraordinary it was: when the prisoner Watson was apprehended on the night of the 2d of December, a paper was found in his pocket, which purported to contain a list of this—"Committee of Public Safety." It was signed Sir Francis Burdett, Lord Cochrane, Mr. Arthur Thistlewood, Major Cartwright, Mr. H. Hunt, Mr. Gale Jones, Mr. R. O'Connor, Mr. James Watson, and others.

Soon after the transaction before alluded to, a meeting was held, at which it was agreed that a meeting was to take place in Spa-fields, and that then an insurrection should burst out. This, however, did not take place, for reasons which will be proved by the witnesses. The next feature of the conduct of the prisoner and his companions was the publication of an advertisement, signed by one Dyall, and which was to have been published by Watson, or some other person of the party. It was addressed principally to distressed artizans, manufacturers, &c. &c. announcing the intended meeting. Thus in order to effect a diabolical purpose, a paper of apparently an innocent nature was circulated, for the purpose of imposing on the minds and feelings of the poorer classes of society, and by subsequently working on their passions to make them the ready victims of the guilt the party had planned to execute. No doubt numbers of suffering individuals would go to this meeting if they thought any good would result from it to them; but even laying aside the consideration of the wicked plans they had in view, nothing could be more infamous to conceive than the calling together of the lower orders of the people, under the pretence of doing them some good, and taking advantage of their distress, and the infirmities of human nature, by proposing to their hopes one thing, and deceiving them with another. Gentlemen, in the course of these proceedings the meeting alluded to was called; but it was found necessary to have a leader, and in consequence a Mr.

Hunt, who lived in the country, was applied to. I don't believe, however, that the real purpose of the meeting was made known to that gentleman, but that it was represented to be, as I before said, the case of distressed artisans and manufacturers, &c. Nor do I think, gentlemen, that the breaking out was intended to have been attempted at this time; and the meeting which will be described to you took place. Subsequent to the proceedings of this day, the whole party went to dine at Bouverie-street with Mr. Hunt, and I will shew you that the prisoner Watson and the others were all acting there together. This was on the 15th of November, and another meeting was proposed to take place soon after the meeting of parliament, which were to assemble in the month of February. This delay was objected to by young Watson, who proposed that no longer adjournment should occur than seventeen days, and that there should be a meeting on the 2d of December. This was agreed to; but I should have informed you that at the meeting of the 15th of November a flag was unfurled by the parties, on which were inscribed the following words:—"Nature to feed the hungry; Truth to protect the oppressed; Justice to punish offenders." Of the nature and intention of this address, gentlemen, I will leave you to judge; and let me add, that during the interval from the 15th of November to the 2d day of December, no other means of industry were left unemployed in exciting the passions and inflaming the minds of the people. The day of the 2d, however, was approaching, and the inquiry was, what should be done? An advertisement, among other things, was agreed upon, and perhaps to read it was the best way at once to shew its meaning. It was as follows:—

"England expects every man to do his duty.—A meeting will take place on the 2d of December, to receive the answer of the petition to the Prince Regent, determined upon at the last meeting held at the same place, and for other important considerations. The present state of Great Britain:—Four millions in distress!!!—Four millions embarrassed!!!—One million and a half fear distress!!!—Our brothers in Ireland are in a worse state!!!—The climax of misery is complete; it can go no further. Death would now be a relief to millions.—Arrogance, folly, and crimes, have

brought affairs to this dreadful crisis. Firmness and integrity only can save the country. After the last meeting some disorderly people were guilty of attacking the property of individuals. They were ill informed of the object of the meeting; it was not to plunder persons suffering in these calamitous times, in common with others; the day will soon arrive when their distresses will be relieved. The nation's wrongs must be redressed.—John Dyall, Chairman, Thomas Preston, Secretary.

I now proceed to inform you, that previous to the meeting of the 2d of December, witnesses will prove, that young Watson and others agreed to go and view various gun-smiths' shops, marine store-houses, &c. The former, in particular, were to be visited on the day of the meeting, and the assembly were, of course, to supply themselves with arms. One plan beside was worthy of remark, and the more so, as it regarded the opposition expected from the soldiery. Nay, it was not only to have been adopted with a view to prevent the firing, but to win over the soldiers. A number of young women were to be procured; they were to be dressed out in the best manner, to be decorated with the tri-coloured cockade, and to be placed in front of the ranks of the divisions, to be headed by the several parties. This, I presume, was expected to have worked powerfully upon the humanity of the troops; but looking at the possibility of mischief occurring, and such a plan being adopted, I think the project was most wicked and abominable. The time of the 2d day of December, and whatever was decided upon, was to be ultimately carried into effect on that day. Arrangements were however necessary to be made, and among arms purchased for the occasion were pistols traced to the previous possession of the parties, and afterwards actually found in the possession of Hooper, who was apprehended by the praise-worthy exertions of the lord mayor and sir J. Shaw. The person named Castle, to whom I have before alluded, was also commissioned to purchase pistols, sabres, &c. which he did; and previous to the great meeting, the prisoner and his companions assembled in Greystoke Place, where, with the exception of Thistlewood, they all dined, and agreed to go together to Spa Fields on the following day. Castle, in further-

ance, was sent out to hire a waggon or stage, in which he was unsuccessful, until at length meeting with a person named Windermude, he made an engagement, that he should go with him to the top of Chancery Lane, and meet him, from there to go to Spa Fields. Windermude was asked to decorate his horse with ribbons, the tri-coloured cockade, &c. but he refused. The parties, however, proceeded to the waggon with their arms and ammunition, &c. to Spa Fields, and it was further agreed, that in the course of their career, they should go to the "Old Lady and the Old Gentleman." This, gentlemen, I understand, means the Bank and the Tower!—Castle, I should observe to you, left the party that went to Spa Fields, and directed his course towards the east end of the town. Here he was directed if he met with a sufficient assembled force, to proceed and endeavour to take the Tower himself.

Thus, it appeared that Castle had nothing to do beyond his procuration of the waggon on the memorable day I have just named to you. What was done at Spa Fields I shall now shortly advert to; and after I have stated the transactions of that day, you will have to say whether those persons, having previously purchased arms, did not act for the purpose of destroying the king and constitution of these realms---whether they did not compass and imagine the king's death--- and whether they did not conspire to levy war, and compel the king to change his measures.

But before I come to what occurred at Spa Fields on the 2d of December, I should observe, that on Saturday the 30th of November, it was agreed that different persons were to go to different parts of the town, and a plan was arranged by which the particular divisions were marked out. Some were to be at London Bridge--- some at one side of the Tower, and some at another. And here I must bring to your notice a most singular thing, as a decisive proof and confirmation of a plan of operations having been arranged. I have already told you, that when Mr. Watson, senior, was taken, on the night of the 2d of December, a paper, purporting to contain the names of a Committee of Public Safety was found upon him. I will further shew you, that in his pocket also was found a paper, which is

obviously and manifestly a sort of plan of intended operations; and from which it is clear that the Tower and the Bank were the principal objects of attack. The paper found in his pocket was this:---

"Smiths (meaning blacksmiths,) Westminster Road, to form three divisions, and collect as great a number as possible together, and meet the London division at the London Road, and proceed to the Old Man, Paddington, to proceed to St. Giles's.—Barricade each street to Holborn Bars, and the approaches to T. B. (meaning Temple Bar).—Barricade Chancery Lane, and Carey Street. St. Giles's division to barricade as far as St. Andrew's Holborn, to include Chancery Lane; 3d, Gray's Inn Lane; 4th, St. John Street and Old Street; 5th, Whitechapel; 7th Bank; 8th, Picket Street."

This paper, thus enumerating points of co-operation, was found in Mr. Watson's pocket on the night of the 2d of December, when he was taken in the attempt to quit London. Every division was settled, and agreed upon on the 1st of December, at Greystoke Place; at least divisions very much similar to those I have read. It will also appear, I think, that at that meeting a map of London was produced in order to explain and facilitate the course of proceeding agreed upon to be pursued on Monday, 2d of December, which, as you will observe, was convened in pursuance of the inflammatory advertisement I have already read to you. That meeting had been adjourned from the 15th November, and it was expected of course that Mr. Hunt would come and address the assembly, not as chairman, but as one of the persons who were desirous of expressing their sentiments. Whether it was in consequence of any thing which Mr. Hunt had said on the former occasion that this expectation was formed, I do not know, but certainly he was expected. The conspirators, however, thought it more advantageous for their purpose that they should begin their proceedings before Mr. Hunt came, and they therefore began accordingly, with a view, as will appear, for the purpose of giving their partizans the necessary instructions before he should arrive. In this proceeding, Thistlewood, Preston, Hooper, and the two Watsons took an active part, the latter of whom were the most conspicuous on account of their inflammatory language and conduct. The wag-

gon in which the arms and ammunition I have already spoken of was placed in the field, and from thence the inflammatory language, and which I am about to read, was addressed. The principal orators on that occasion were the prisoner Watson, and his son, James Watson, junior.

"Friends and countrymen—We are convened this day, in consequence of the resolution passed at our last meeting, to hear the answer to the petition which we agreed to present to the Prince Regent. I cannot refrain from expressing the pleasure which I feel at this moment in addressing so respectable a meeting. The petition which Mr. Hunt was deputed to present to the Prince Regent, was prepared in the hope that his Royal Highness would give an answer to the cries of those starving thousands by whom he is surrounded. I am sorry to inform you, however, that he has resolved to give us no answer—that he will afford us no consolation. It is useless then to take that course. This day we are called on to take other measures; and England expects every man will do his duty! (Applauses.) We are called on, because four millions of our countrymen are in distress!—because so many more are embarrassed!—because one million and a half fear distress.—While these miseries exist, how few enjoy splendid luxury? Only half a million of the people of this country, as this placard expresses, are not in fear either of embarrassments or death. I ask you, friends and countrymen, if ministers have done their duty in advising the Prince Regent not to hear our cries? (No.) Has the Prince Regent himself done his duty? (No, no.) Was there ever a more calamitous time in this country than the present moment? (No, no.) It is not only this country that is thus oppressed—our sister country, Ireland, shares in our misfortunes. There the climax of misery has been brought to a close. There, their suffering cannot be extended further. Are we to go on from time to time, from month to month, from year to year, crying to the father of his people, as he is called, in vain, for redress? (No, no.) The present is the time to do something. (Huzza,) What! will men with minds and hearts of Englishmen, continue thus for months and years to be starved? (No.) How are we to be restored to our rights? Not by talking!—Not by long speeches!—Not by petition; for our petitions are not heard. (Bravo.) It appears that we are placed in a state of bondage; the rights of civil society are not attended to. The calls of the multitude from time to time have availed nothing. That parliament which was destined for the protection of the people, has been invited to assemble together, to take into consideration the distresses of these calamitous times; to consider, in their wisdom, if they possess wisdom, the situation in which we are placed. In this distressed state of things they should have obeyed our call; they should have assembled together, and have taken into consideration the situation of the dying multitude, and not be deaf to our prayers. (Groans and hisses.) It must rest with ourselves then, to consider how we are to relieve ourselves in these calamitous times. We have been told truly

that trade and commerce have been annihilated; but still we have the earth, which nature designed for the support of mankind.—The earth is sufficient to place every man in distress in a comfortable situation. If he has but a spade and a hoe to turn up his mother earth, that will prevent him from starving. In the situation in which we are placed, how is this to be done? I will tell you; I have said that the bonds of society have been neglected; what, then, is our situation? They have placed us in a state of nature. They have neglected the cries of the hungry and starving people. Not a day passes in the streets of this great metropolis, in which people are not seen starving to death. Are they ignorant of this? (No.) If they are, they ought not to be; but they are not. They know well that the people are starving in every part of the kingdom, and yet will admit of no measures to relieve them! (Groans.) Will they now hear our cries? (No.) Have they not been supplicated in the language of men, in the language of forbearance and of patient suffering? (Yes.) The Israelites were in a state of bondage for a long time, but we double that time. Ever since the Norman Conquest, kings (and lords) have been deluding you. They have, in many instances, converted the people to their own wicked purposes; but this must not last any longer. (Shouts.)

Gentlemen, such was the language of the prisoner on that occasion. It was impossible to misunderstand his allusion to the Norman Conquest. It is obvious that his object was to bring into scandal and contempt the kingly authority. We then come to the address of the prisoner's son to the multitude then assembled. It was to this effect:

"The last time we met in this place I had the honour of saying a few words. I was the person who proposed the resolution for our meeting again this day.—It was said then that we should hold our meeting on the first day of the meeting of parliament. It was not in our power, however, to tell when parliament would meet—it might never meet at all! (Applause.) At that time we agreed to present a petition to the Prince Regent. This petition, we have been told, was presented, but answer there was none, except that the Prince Regent said, that his family never attended to the prayers of the people; they never answered any petition which did not come from the Universities of Oxford and Cambridge, or from the Corporation of London; in other words, I will not attend to the prayers of the people (—— him.) This man calls himself the father of the people (—— him.) Is it not the duty of a father to protect his children? (Yes.) Does he do so? (No.) No, he leaves you but too much ground for complaint; while he tramples on your rights. There is no luxury which he spares: he knows the expenses will be paid out of your pockets. (Groans.) Are we to submit to this any longer? (No.) Will Englishmen any longer suffer themselves to be trampled upon like

the poor African slaves in the West Indies, or like clods and stones? (No, we must have relief.) We can expect nothing. (Yes.) I beg your pardon—since our last meeting, from the resolutions which were passed by the people, calling upon each other to come forward, some persons did distribute ox-cheek broth and ox-bone soup. (Laughter.) Many came forward with their 200l. and 300l. who should have come forward with their one hundred and two hundred thousands! Do you believe that these contributors have a sincere wish for the people? (No.) They come forward to rob you of all you possess, and then give you a penny to pay the turnpike. (Laughter and cheers.) The Prince Regent, in his great generosity, in consequence of our miseries, has given you 5000l out of funds which do not touch his own pocket. (Shouts.) He plunders you of millions, and then gives you part of the spoil. My friend here [Mr. Preston, as was supposed] has been described by the Treasury journals as a second Wat Tyler. No bad title; for be it recollected that Wat Tyler stepped boldly forward for the purpose of resisting an oppressive tax—and would have succeeded had he not been basely murdered by William Walworth, then lord-mayor of London. But we have no bull-rush lord-mayor now: and if he had been surrounded by thousands of his fellow countrymen as I am now, he need not doubt his success. (Huzza!) It seems the determined resolution of ministers to carry things with what they call a high hand—or as they say, Our Sovereign Lord the King will carry every thing with firmness. In short, they will carry the business in defiance of the voice of the people (Cheers.) If they will not give us what we want shall we not take it? (Yes, yes!) Are you willing to take it? (Yes, yes!) Will you go and take it? (Yes.) If I jump down among you will you follow me? (Yes! yes! from a thousand voices.")

THOMAS STORER, Printer.

Do you know the prisoner, Mr. James Watson?—Yes, I do. Do you remember seeing him any time in the month of November last?—Yes, I do. Are you enabled to state what he read to you?—Not the whole of it, but part of it. State what it was.—I remember part of it was, that part of the lands were to be divided into parishes, and to be let out into parochial partnerships, and that all the waste lands, mines, and quarries were to be appropriated to government expenses; and, after that, the rental of the different parishes or bounds were to be let out and divided among the people; this is the principal part that I remember. What passed between you and him upon the Monday morning?—He came for the bills; he asked for them, and I declined giving them to him. The printed bills?—Yes, they were printed bills. He asked my reason why I had not objected to it in the first place. I said I did not see any harm in the bill when he brought it to me, but since that time I did not choose to have any thing to do with it, as I thought it would be dangerous. You mentioned that as an objection to printing the bill?—Yes, as the seeing it printed is a great inducement to another to print it: I had them printed, but I declined giving them to him, and he said that he wanted one, not for the purpose of taking it to a printer, but to send it to Mr. Hunt. I

told him that I knew Mr. Henry Hunt very well, and if he would produce me his letter stating that he wanted it, I would send him one; and he said no, if I would not send it without his letter, I should not send it with it: he declined and went away, but came back afterwards. What became of the manuscript from which the bills were printed?—I returned it to Mr. Watson, as he asked for it. What was the subject of the bill?—It was calling a meeting upon the 15th of November in Spa-fields.

ARTHUR SEALE, Printer.

Do you remember any application being made to you in November last to print any hand bills?—Yes. What day of the week was it?—Tuesday, to the best of my recollection. By whom was that application made to you?—A Mr. Preston came to me, and said he would introduce to me some gentlemen; and said he wanted some bills printed for a public meeting. Who were the persons that came with him? Do you know any of them?—I should know one of them. Mention his name, if you please? *(Here the witness pointed out the prisoner Watson.)*—That was one that came with the gentlemen when I received the order. When was you applied to to print the hand bills for the 2d of December?—About the 26th or 27th of November; it was about a week or ten days prior to the meeting. Who made the application for these bills?—A Mr. Castle. Was you directed where to take them?—When Mr. Castle gave the order, I said I would not print it unless I were paid for the former; I had not been paid for the former bills.

JOHN MONKHOUSE.

You are the landlord of the Merlin's Cave, Spa-fields?—Yes. Do you remember any meeting at your house on the 15th of last November?—Yes. Do you know the names of any of the persons who attended that meeting?—I remember there were some persons who came in a hackney coach, and many came on foot. Among the latter were Mr. Preston and Mr. Dyall, who went up stairs into the front room. You remember the second Spa-fields meeting, which was held on the 2d of last December?—Yes. Who came to your house on that occasion?—A great many persons. Were any of them the same as were present on the 15th November?—I only saw Hunt and Dyall.

VINCENT GEORGE DOWLING.

Did you attend the meeting on the 2d of December?—Yes.

Did you see any placards stuck about the streets of the metropolis, announcing that meeting?—Yes.

[*One of the placards was here produced, and handed to the witness, the same as in the Attorney-General's speech.*]

Is that a copy of the placard which you saw upon the walls of the metropolis?—Yes, I believe it to be an exact copy.

Was there any considerable number of persons assembled?—Yes, a very considerable number.

Did you see any waggon in the field?—I will state the circumstances as they occurred. On my arrival at Spa-fields, I went to the room at the Merlin's Cave, where the parties had assembled

at the former meeting. Looking from the window, I observed a great crowd in that part of Spa-fields which was near the Cold Bath Fields prison. I accordingly went there, and saw several persons whom I remembered to have seen at the meeting of the fifteenth; one of them was carrying the same flag as was then hung out at the window; there were also several smaller flags, but they were all tri-coloured: one man carried a banner, on which was inscribed these words: "The brave soldiers are our friends, treat them kindly." Some of the persons wore tri-coloured cockades, composed of the same colours as the flags. The centre of attraction seemed to be a waggon, which I then perceived for the first time. In this waggon there was a great number of persons collected together. Considerable confusion prevailed. After a little lapse of time, I observed the prisoner Watson approach the edge of the waggon, and wave his hand, as if to intreat silence. I saw also young Watson, and Mr. Preston. Hooper I noticed subsequently.

You say the prisoner Watson waved his hand, as if to intreat silence; did he address the populace?—Yes.

Were you near enough to hear what he said?—I was, and I took short hand notes of the speech he delivered.

Have you those short-hand notes about you?—Yes.

Did you take short-hand notes of what he said?—Yes.

Read it. (Here the witness read the speech of the younger Watson, as given in the Attorney-General's speech.) At that moment young Watson seized the tri-coloured flag in his hand, and jumped down from the waggon, and many followed him, and he went leading the mob towards Coppice-row: all who were in the waggon jumped down as if influenced by the same spirit.

At the time young Watson was speaking did you observe where the elder Watson was?—In the waggon: I did not take particular notice who jumped down, but all jumped down in a moment.

Did they all proceed together in a mob, those that were in the waggon?—As far as I observed, they did.

Did you observe whether any persons who were in the waggon had cockades?—I did: I think Hooper had a tri-coloured cockade, and I think young Watson had, but I am not so certain as to the elder.

Did you see Preston about the same time that they were in the waggon?—I did.

What was the cry of the mob?—Some said to the Tower, and some to the Bank. I did not see those that spoke, but I heard then some persons say "to the Tower," and some, to the "Lord Mayor's."

Did you observe whether any persons in the mob had arms?—I saw one man with a sword or cutlass; and on another man I saw the butt end of a pistol in his breast.

I think you said that you saw the elder Watson at the corner of Coppice-row?—I did.

Did you see what became of him?—I afterwards met him with a portion of the crowd which had gone towards Coppice-row, with these people following in the same direction. They were not going with the same rapidity, but in the same direction as before.

Where did you first see them in the City?—In the Minories.

What way did you go to the City?—I passed through Skinner-street, and I then saw Mr. Beckwith's shop demolished.

Where did you come up with the mob?—In the Minories.

In what state were they at that time?—I saw the house of Messrs. Brander and Potts, gunsmiths, which bore the appearance of being treated as Mr. Beckwith's, and that of Mr. Rae's also, on the opposite side in the same street, demolished in like manner. In the front of Mr. Rae's shop were some pikes and guns, and a wild duck gun or long gun pulled up in the front of the shop in the street; the windows of the shop itself were quite demolished. I met three or four hundred of the mob coming up the Minories; some were armed with guns and some with pistols, some had discharged them, and some were discharging them nearly opposite to Brander and Pott's house; they were armed with guns, pistols, cutlasses, dirks, and weapons of various descriptions, as also a small brass carronade or brass piece of ordnance upon wheels, and it was drawn by sailors; two sailors drew it in front, and a marlin-spike guided it.

How long did you continue with the mob?—Till they were dispersed by the horse guards, which was in about ten minutes or a quarter of an hour after that they were making up the Minories, and I heard some of the persons cry, "To Spa-fields."

Had all the persons dispersed at Spa-fields?—There were a great number of persons, and a numerous meeting at Spa-fields when I got back.

Do you know who any of the persons were, who cried out "To Spa-fields," from among the mob?—I do not. It was a mixed mob of boys, and men, and sailors, and others.

SECOND DAY, Tuesday, June 10.

CHARLES SHEARMAN, jun. *examined.*

I recollect being in Church-street, Bethnal-green, on the second of December, at about twelve o'clock in the day; many persons were in the street with a tri-coloured flag, and some wore cockades. They were going towards Shoreditch, and I followed them until they arrived in Spa-fields. The flag was then placed in a waggon: some person was speaking, but I do not know who it was. One of those who spoke from the waggon I had seen at Bethnal-green, near the flag; he was a young man: and towards the conclusion of his speech, he asked the populace, if he jumped down would they follow him: the answer was, "Yes, yes." The young man jumped out of the waggon, and went away, followed by the mob with a flag. In the waggon I saw two flags and a frame with white canvass, on which were some words, but I did not exactly see what. I do not know what direction the people took who followed the young man from the waggon.

CHARLES SHEARMAN, senior.

I live at Mile-end new town, and remember the meeting in Spa-fields in December. I was examined by Mr. Gifford before Christmas; but as my hearing is defective, I may perhaps have mistaken some things, but I will speak the truth and nothing else. On the

day of the second meeting in Spa-fields, I was in Bethnal-green road at about ten o'clock in the morning; a number of persons were assembled, who had a flag in their possession. The colours of it were red, white, and, I believe, green: it was fastened to a pole. I do not know who carried it: one or two of the persons had cockades in their hats; I did not notice the colours of them. The crowd was proceeding towards Shoreditch. I followed it; they went from Shoreditch to Spa-fields. I know the Merlin's Cave. I saw a waggon in Spa-fields, and a great number of people; the flag from Bethnal-green was placed on the waggon, where people were standing. A person spoke from the waggon, but I heard only a very few words; the speaker appeared to be a young man. I think he had a cockade in his hat. I remember he spoke some words rather loud: he asked the persons if they liked to be fed on ox-bone beef soup—if they would put up with it? The people said, "No, they would not." This answer was given by the persons round the waggon, there was another word used, but I have forgotten what it was. He then asked the people, if he jumped, or got down from the waggon, and went first, would they follow him? The answer was, "Yes." The young man got down and went from the waggon, followed by a great many persons; they went out of the field towards the prison. I did not follow them, and do not know where they went to.

MR. JOHN STAFFORD, *Chief Clerk of Bow-street.*

On the 2d of December last, a great concourse of people had assembled in Spa-fields. I knew there was to be a meeting by large and small placards I had seen on the walls in considerable numbers. I had been at the former meeting on the 15th of November. Then Mr. Hunt and others addressed the populace from the window of a public house, called the Merlin's Cave. I saw a flag displayed close to the house: it was of three colours, green, white, and red; a large flag upon a pole. I could not make out the whole inscription that day. I saw "Nature," "Justice," "Truth," and some other words in smaller letters, which I could not exactly distinguish. I did not hear the motion of adjournment. On the 2d of December, a great many police officers were in attendance. I expected that the business would begin at about one o'clock, and at the Merlin's Cave. I arrived there about half-past twelve. I found a number of persons collected, indeed, thousands. In the lower part of the field next to the chapel and Coppice-row, there was a great concourse of persons round a waggon, from which the horses had been taken. There were a great many persons in it. Two flags were in the waggon: one of which I had seen at the preceding meeting, and I took down the words exactly.

There was another flag in the waggon of the same colours, but without any inscription. There was a banner in the centre between the two flags. A young man was addressing the populace, and Watson senior stood close to him, rather behind. I think that round the waggon there were some thousands of persons. I heard (the witness added) many words of the young man's speech, but I made no memorandums: he spoke loud, and the mob cheered frequently: the speech seemed to consist chiefly of inter-

rogatories: the mob gave answers every now and then, "No, no," and "Yes, yes," with huzzaing. I then quitted the spot, and proceeded towards Coppice-row, leaving the young man speaking. Shortly afterwards I heard a greater noise than usual proceeding from the spot. I was about fifty or sixty yards off, and I turned my head, and saw all in the act of jumping down from the waggon; the flags and the banner were removed from the waggon. The mob moved towards the corner of Coppice-row; the flags went in the same direction as the torrent of the mob. A small part of the populace preceded the flags: when the flags approached me I looked round for assistance, but saw none; and I rushed forward and seized the flag without an inscription. I endeavoured to break the pole, but I was unable; I, however, got the flag under my feet, and then Limbrick, the officer, came to my aid. I struggled some time, but at last the flag was rescued, a small strip of the green remaining in my hand. At the instant I was driven from the flag, I saw Limbrick contending with the man who had the frame. I jumped upon the frame and broke a part of it, which I used as a weapon of defence. *(The witness produced the part of the frame he had seized.)* Limbrick pulled out the inscription, and another officer took the rest of the frame. This struggle continued a short time, and obstructed the mob a little, but afterwards they rushed on in a direct line towards Skinner-street.

JOHN LIMBRICK, *Police-Officer*,

Stated, that he was in Spa-fields on the 2d of December last; he was at the Cobham-Head public-house, in Coppice-row: and saw a waggon near that row. It was there before he arrived in the field, and he approached towards it; this was about 11 o'clock. There was a great number of persons in and upon the waggon, also a great number around it; perhaps from two hundred to eight hundred. There was likewise a great number of persons at Merlin's-Cave. He heard persons speaking in the waggon, but could not distinguish the words. He saw the prisoner Watson in the waggon, and thinks he was speaking, but could not be certain. He was not near enough to hear any words, but he was moving his hand in the manner of a person speaking. He saw the banner, which was carried by a person in a sailor's dress: this person was Cashman; the banner was on the end of a pole, and he turned it round slowly. There was also a tri-coloured flag, with an inscription, which was held by another in sailor's clothes; there was besides another smaller tri-coloured flag, but it had no inscription on it. After having seen the waggon as above described, the witness went to the Cobham's-Head, where he remained about three quarters of an hour. He heard a noise: on coming out of the house soon after 12 o'clock, saw a great number of persons advancing towards Coppice-row; among them he observed Mr. Stafford, of the Bow-street office, who had hold of a pole, and was struggling with some person. He went to his assistance, and got down a small tri-coloured flag. He next went to the banner, and succeeded with others in getting it down also; there was a struggle in doing this; but when he got possession of the standard or banner, he ripped it out of the frame. He was not struck, but

heard cries from the mob of knock him down, cut his b——y head, &c. (The banner was here produced.) It appeared to be a piece of white calico, and had on it this inscription in read letters, "The soldiers are our brothers, treat them kindly." He saw Hooper at this time in Coppice-row; he was coming from the field, and was in front of the procession, and appeared very busy in the struggle. The mob went off in three directions; some returned to the field; others went down by the prison towards Gray's Inn-lane, but the principal body went towards Smithfield; the coloured flag with the inscription on it was quite back among the mob; and he believed it was taken to Smithfield, but was not certain. He saw Preston in the waggon.

MR. RICHARD PLATT.

While I was in Mr. Beckwith's shop, on the 2d of December, a young man rushed in and stamped twice with his foot, crying, "Arms! arms! we want arms!" He looked first at Mr. Beckwith's shopman, and then at me. He cocked his pistol and raised it, and was in the act of directing it against my breast, as I supposed. I remarked, from the turn of his hand the direction it was to take: I therefore struck out my left hand, wishing to catch the muzzle. Upon my doing so, he drew back the pistol from me, and then bringing it round to his side, shot me in the belly: the ball entered about four inches from the navel. He ran towards me again, and I supposing the pistol might be double barrelled, closed with him, and endeavoured to catch at the pistol a second time. I pressed him up in a corner against the bench, and he endeavoured to strike me with the butt end of the pistol. I do not know what became of the pistol at last. I said to him, "You have shot me; why did you shoot me; I am one of you?" I then exclaimed, "Send for a surgeon!" The young man then said, "I am a surgeon myself." He cast his eyes up to the ceiling, and said, "O God! I am a misled young man; I have been to Spa-fields." He then attempted to pass me, and go to the door. I held my wound with my left hand, and gave him a push on the breast, saying, "I must have you secured." I opened the door with my right hand, intreated assistance, and some persons came in. I then went into the counting-house, and afterwards up stairs; but previously a constable came in, took the young man in charge, searched his pockets, and discovered two lancets. We sat about ten minutes together. While I was up stairs I heard a crush, occasioned by the breaking of the windows, and the rushing in of the mob. I, and others who were there, escaped over a back wall.

JOHN ROBERTS,

Is apprentice to Mr. Beckwith: saw a young man come into the shop on the 2d of December last; heard a pistol fired, saw it thrown down on the table, took it up, gave it to some one that was in the shop, cannot say who it was; that person gave it to Worrell the constable; witness never saw it since. The young man was taken up stairs by Mr. Worrell. He was in the shop when the windows were broken and arms taken. Arms and ammunition were taken. He saw the young man, after he had come

down stairs, take a pair of pistols out of a mahogany case, and load them. The young man loaded them at his side with powder and ball. There were balls in the mahogany case. Witness said to him: "My boys, we have got plenty of ammunition and arms, we'll be off." The young man said not a word, but went off, looked on his left hand, and proceeded towards Newgate-street. He never saw him after that. The mob, after plundering the shop, were nearly gone when the young man went away. The mob took away arms, and went towards Newgate-street. Witness took up two lancets on the Wednesday morning afterwards, when sweeping the shop: he found them on the edge of the floor-cloth, and delivered them to Mr. Beckwith. One of them had the name of Watson scratched on it.

SIR JAMES SHAW.

Were you at the Mansion House on the 2d of December?—Yes.

Did any thing particular take place on that occasion?—It was the day of the second Spa-fields meeting; and as some rioting was apprehended, I went to the Mansion House to consult with the Lord Mayor, upon the best means of preserving the public peace, should the mob come into the city.

How long was it after your arrival before you heard any thing of the proceedings of the rioters?—It might be a quarter of an hour or twenty minutes, when several messengers came one after the other, bringing intelligence, that the mob had entered the city; that they were attacking the gun-smiths' shops; and that a gentleman had been shot in Skinner-street.

What time of the day was this?—It might be about half past twelve.

What was done in consequence of the intelligence you received?—The Lord Mayor sent to Guildhall for an additional civil force, I should observe that his lordship had previously issued orders for all the city constables to assemble at Guildhall on this day, and there to await further instructions; but in consequence of its being earlier than the time appointed for their assembling, there were not more than two or three then to be found there.

Where did you first see the mob?—In Cornhill. We heard they were approaching the Royal Exchange in considerable numbers, and we determined upon the necessity of putting them down. When we reached the Exchange we perceived that the rioters had already entered it by the south entrance; we therefore hastened round to the opposite, or north side, in order to take them in front.

What was done in pursuance of this plan?—We approached the mob, and seized several of them.

Had the rioters any flag or colours?—Yes, a flag was also seized.

What kind of flag was it?—A tri-coloured one.

Did you observe whether any of the mob had fire-arms?—I did not perceive any myself perhaps at the instant. When I saw the colours my mind was impressed with the necessity of seizing them, as the most likely means of dispersing the mob.

Did you seize the colours?—Yes, I did.

The tri-coloured flag was here produced, it was a very handsome silken banner, composed of white, green, and red colours, with inscriptions on it worked in gold.

Look at that flag; is it the one which you seized from the hands of one of the rioters?—I believe it is, but I cannot swear positively to it. I could swear to the pole if I saw it.

You say you did not observe whether any of the rioters were armed. Did you hear the report of any musket?—Yes, I heard the report of one or two muskets which were fired under the door of the Royal Exchange.

JOHN HALL, ESQ.

I am a merchant in London, and sheriff of Essex; live in the Circus of the Minories: saw the mob on the 2d of December. Having heard of the approach of the mob, I went to Mr. Rae's shop, which I assisted in shutting, in consequence of the affray at Mr. Beckwith's. While I was so occupied, the mob arrived at Brander and Pott's. I advised them to shut up the shop just as the mob made their appearance. They attacked the window shutters and doors of the shop with pickaxes and butt ends of muskets. I saw one of the mob make his way in through an aperture effected above the door, a fan-light. In the mean time the shutters were broken away. I saw them remove arms, guns, and swords, from the shop, and give them out to the populace. Those on the outside were loading and firing off into the air a kind of *fue de joie*. I proceeded to the Tower for assistance, which was refused. I then returned to the Minories, and placed myself near Rae's, to which the mob had at that time arrived, with the view of marking some of those who might be the heads of the mob. They had already broken the front window, and attacked Mr. Houston's door, over Rea's shop, and made a passage through. They were a long time beating at the door, for it made a great resistance. It might be at least ten minutes before it was broken through. They placed a brass field-piece opposite to the door, I presume with a view to break it open: it appeared loaded up to the brim, as I judged, from something like wadding seen hanging at the mouth of it. I in consequence withdrew: but still took a view of them. They rushed into the house when broken open, and plundered it in the same way as Brander's, and delivered arms and other plunder to those without, by the door in front and the window behind. I saw none of the prisoners since, but yesterday in court the features of Thistlewood struck me as those of one whom I observed very remarkable and active in the mob. The only doubt on my mind arises from the whiskers and eye-brows, which appeared of a lighter colour than Thistlewood's. I have no doubt as to the rest of the countenance. In the mob he wore a great coat closely buttoned; I have no recollection of what colour, for I marked features, not dress. He had no weapon. I saw none of the other prisoners. When the soldiers came, the mob dispersed, and only a few stragglers remained. They delivered to him their arms when demanded, muskets, sabres, &c. without resistance; this was before the soldiers appeared.

MR. BRANDER.

On the 2d of December, about a quarter past one, the rioters arrived before my house, but I could not see them. The number is 17, on the left hand side; the shop opens to the street. All

the shop was then shut, as at twelve at night, in consequence of hearing what had taken place. They stopped at the front, and I heard them say, "This is the house," and they knocked and rang three times. They said if I did not open they would break it. I heard a noise, and firing of guns up into the air. They then began hammering at the shutters with pole-axes, that is, instruments with a spike at the one end, and blade at the other. They cut them through, and a young lad came in over the door by the fan-light, having broken the glass. He asked for arms. He received a sword and a pistol from without, I can't tell from whom. Mr. Potts, the other partner was with me, and the lad stood over against Potts with the pistol presented to his breast, and a cutlass in the other hand. These were three several things: the young lad came through the fan-light, he presented a pistol to Potts, and the knocking increased. They at length broke open the shutters. I kept the key of my door in my pocket, and pretended they had driven it away from the door by their knocking. About twenty persons came into the shop, and threw out arms. They took thirty or forty guns, forty or fifty pistols, and a great many swords of different sorts, dirks, &c. The number of swords I think more likely to have been above three dozen. They took four pounds of powder which lay in the window.

MR. RAE, *of the Minories, gun-maker.*

Witness said, that on the 2d December he saw the people in the Minories shutting up their shops. Several persons were on the opposite side of the way at Mr. Brander's, taking away guns. With the assistance of his servants, witness fastened up his premises. Soon after, the mob came and broke open his shop, and stripped it of fowling-pieces, muskets, pistols, pikes, &c. to a considerable amount. They broke three desks, demolished the parlour windows, which look into the Circus, and took 7*l.* from one counting-house, and some silver from the other.

MR. JOHN MIDDLETON, *a stationer.*

On the 2d of December last, he saw a number of persons pass his house, and go to Mr. Beckwith's. They were about two or three hundred; but many of them were only women and children who followed: he saw Hooper there, who wore a cockade in his hat: it was formed of two or three narrow ribbons of different colours. A flag was carried by the mob, with an inscription in gold letters: himself and partner went up into the balcony. The mob stationed themselves for three or four minutes before his house. Hooper had either a stick or sword in his hand, and appeared to have the direction of the mob: he waved the stick several times, and pointed to Mr. Beckwith's house; when there was a great shout, and the mob went to Beckwith's. After the windows of Mr. Beckwith's house were broken, and the guns were taken away, the mob passed witness house and went down Newgate-street, discharging their pieces as they proceeded.

JOHN HAYWOOD.

Saw the mob on the 2d of December, near the Bank; followed them to the Minories; observed them on Tower-hill. Saw a man

come towards the Tower, who had a sword or cutlass in his hand. This was Thistlewood, who then had on a different dress. He wore a great coat and top-boots. He came to the railing near the ditch, flourished his sword, and said something to the soldiers on the ramparts: he offered to make the privates captains, and to double their pay, in case they would come and join the mob. Did not hear any thing more: he (Thistlewood) remained there for a very short time. From what witness observed of the bustle in the Minories, he thought the troops were coming. Thistlewood then put the cutlass under his coat to conceal it, and went towards Mark-lane. Had not seen him before in the mob.

THOMAS EDMONDS, *a private in the* 2nd *Coldstream Guards.*

On Monday, the 2d of December, was on duty at the Tower. Heard an alarm of the approach of the mob. Observed a person come near the railing: he addressed the soldiers, saying, "Soldiers, open the gates, we will give you a hundred guineas." Witness had received orders to go to the parade: quitted the ramparts, and heard no more.

THOMAS DARLINGTON, *a private of the 2d Coldstream Guards.*

Witness was on the ramparts of the Tower on the 2d of December last. Heard the alarm of the mob coming; looked towards the Minories, and saw a man against the railing: he said, open the gates, soldiers: every man shall have a hundred guineas, and double pay: I do not take the soldiers for my enemies, but my friends; you have been fighting for the rights of your country, and cannot have them." Witness was going to parade, and heard no more.

THIRD DAY, Wednesday, June 11.

JOHN CASTLE.

In what month did you first become acquainted with the prisoner Watson?—About three weeks or a month before the first meeting in Spa-fields; about October. I had seen him before.

This man's evidence established all the points in the narrative of the Attorney General, in the examination by the counsel for the crown.

FOURTH DAY, Thursday, June 12.

John Castle was then put into the box, and cross-examined by Mr. Wetherell.

Are you the John Castle lately abiding in the house of Richard Angel, in Princes-street, Newport-market, but now a prisoner in Tothillfield's bridewell, in the county of Middlesex, whitesmith?—I am. Since you were examined yesterday, have you conversed with any person, and with whom, upon any questions put to you in this court yesterday?—I have not.

Have you read or seen any paper, written or printed, relating to what passed in this court yesterday.—I have not. You are described to be a prisoner in Tothillfield's bridewell. How long have you been a prisoner in that custody. From the 9th of February, I believe. Upon what charge were you committed? High-treason. The same high-treason as that for which the prisoner Watson is now tried? I was.

Had you been in any other custody prior to your commitment to Tothillfields' bridewell?—Not upon this charge. When were you first arrested upon this charge?—On Saturday morning, the 9th of February.—Have you had a promise of pardon in consideration of your giving evidence against the prisoner Watson?—I never wanted any pardon; I never committed any thing to want a pardon.

That is not an answer to my question. Have you had a pardon promised you?—I have had the question put to me, if I had ever been committed or tried for any thing. Have you had a pardon promised you in consideration of disclosing the truth on this occasion?—Not by any one. You said that you did not want a pardon: explain what you mean.—I have never committed any thing requiring a pardon; nothing but what all the country knows, and nothing but that I shall be able to explain to their lordships and the jury; I therefore challenge you to bring your evidence against me. Then you mean that you have committed no treason?—I have said no such thing.

Then explain what you meant by saying you wanted no pardon upon the matters now in question?—I was not referring to the present charge of high-treason. I was referring to other things, which I dare say you are in possession of. I dare say you are in possession of a good many, but I shall be able to give you satisfactory answers. I had no pardon offered me, neither did I know the high-treason was withdrawn until my evidence was taken before their lordships. The moment I was brought to the Secretary of State's office, I communicated every thing to their lordships. Do you mean after that to say, that no promise of pardon has been held out to you?—No, neither directly nor indirectly. You mentioned the secretary of state; did you communicate every thing you knew without an offer of being pardoned?—I never had any offer of the kind proposed to me.

Do you mean to say, that the subject of a pardon has never been mentioned to you in any way?—It has been since. Since what?—Mr. Nodder, under whom I am in custody, was the first to inform me that the charge of high-treason was withdrawn, but I had no communication from the secretary of state, or from any other person. If it was withdrawn, why were you not released?—That I cannot answer. You did not apply to be released after it was withdrawn?—I did not. Why are you kept in custody now?—It is not in my power to explain that to you; I never asked the question, and I was never told the reason. Have you been since your confinement to Tothillfields' Bridewell constantly in confinement, or have you been walking about with an officer attending you?—I have been out with an officer attending me. When you were walking abroad with this officer, have you chanced to call upon any of the persons examined as witnesses on this trial?—I do not know who have been examined.

The witness was then asked if he had not been at the house of a man of the name of Bentley, but he denied it: he had seen him while going to the grand jury room, but had not spoken to him. He admitted that he had gone about to the different public-houses he had mentioned yesterday; to Rysdale's or Randal's, at Drury-lane,

and to Paddington. He also met with a person of the name of George Crisp, the brother of John Crisp, who had been tendered as a witness, and rejected. He did not tell Crisp the situation he was in, nor did Crisp know it. Did you tell Crisp if his brother went to Bow-street it might be convenient for him?—Yes, I told him I wanted to see his brother; and if he went to Bow-street, Mr. Stafford wanted to ask him about a petition written by him for Watson and me. Nobody desired me to send him.

Did you desire Crisp to tell his brother it might be to his advantage to go to Bow-street?—I dare say I did: I asked him if his brother had got employ; and if he called on Mr. Stafford it might be to his advantage. Did you say that Mr. Stafford would employ him?—No, how was Mr. Stafford to employ him? Did you desire George Crisp to tell his brother that you had derived some advantage?—No such conversation took place. Did you tell him that you had been better off since the Spa-fields transactions?—No such conversation took place. Has it happened that you have been in the Tower since?—Yes, I have; I went to find out a man who was there at the time we were treating the soldiers with beer, and showing the cockades. Did you find him?—Yes, we found a boy. A boy is not a man: did you find a man?—Yes I did. What was his name?—His name I never asked, nor ever heard it; he lives at the sign of the Pumpkin, close by Mark-lane.

The list of witnesses was put into his hand, but he was unable to point him out among them. He added, that he went round in custody of Mr. Stafford, and an officer of the name of Salmon; the man at the Pumpkin had kept the stone kitchen at the Tower, till the regiment stationed there was changed; there the witness had treated the soldiers, and shown the cockades. The man, when asked, said that he remembered nothing of the kind. They also enquired at the same place, for a woman who went by the name of Old Mary, and a boy. Afterwards the witness had gone to the sign of the Black Lion, in Vinegar-yard, and saw the landlady and a boy, whose names he could not recollect; he asked her if she recollected any persons coming there, treating the soldiers, and sticking up a bill in the tap-room. She replied, that she did recollect something of the kind, and she called the boy, who usually waited on the customers. Next the witness went to Newton's, and from thence to the man over the water with whom he and Thistlewood had spoken about the hire of a mountebank stage; Mr. Stafford was with him.

Did you not know for what purpose Mr. Stafford was taking you round?—I did not; he never communicated his purpose to me. Did you not know without communication what his purpose was?—He never told me. And you could not give a shrewd guess that it was for the purpose of procuring evidence?—That entirely rests with myself. Then you had a sort of notion what it was for?—Yes, my intellects are not quite so weak as that. Upon your oath do you not know that you were taken round London for the purpose of obtaining evidence; do you not know that——

Lord Ellenborough. Let the witness have an opportunity of answering. There is a justice due to the witness as well as to the prisoner.

Witness. Whatever questions are put, I shall be able to answer to the satisfaction of your lordship and the jury.

Did you not believe that you were going round to get evidence?—I did believe it of course, I must believe it. You are described as a whitesmith, how long have you left off that trade?—I cannot tell to a year or two. When was the last piece of smith's work you ever did, with the exception of the pike head you spoke of?—Not for the last twelve or fourteen years. I have not worked at my business for other persons since that time, but I have done jobs at several shops for myself; such as repairing a lock, &c. I have been in business at Harwich. You have left Harwich for some time?—I have. In what business were you before your connexion with Watson and the others?—In the figure making way, paper figures, dolls for children.

Did you not state to some of the prisoners that you were in great distress when your acquaintance with them began. Were you in great distress?—Yes, I was. Were you ever under commitment before this time?—Never. Upon no charge whatever?—Committed do you mean. Yes, committed.—(After some consideration) Yes I was. Were you ever at Guildford, in the county of Surrey?—I was. How many times have you been under commitment, or in custody, before the present occasion?—Twice. Were you under commitment once at Abergavenny?—Once. And at Guildford?—Once. What were you committed for?—I dare say you are perfectly well acquainted why. But I had rather have your authority.—I was committed for putting off bad notes. Is that what is commonly called forgery?—I never understood it so. Or uttering forged notes?—It is. You said at first that you were never under commitment, and yet now you state that you were committed twice; explain that.—I understood you to mean if I was ever tried. Then you made a distinction between a commitment and a trial?—I did. You were tried at Guildford?—No. No! Why not?—What the same accident happened there as on the present occasion?—It did. Namely, that you were committed upon a charge, and afterwards became a witness against the persons who were committed on the same charge?—Be so good as to repeat the question. The question was repeated, and the answer was, —"It did happen." What became of the man against whom you gave evidence?—He suffered by the laws of his country. Did he die on the scaffold as a victim?—I was informed he did. Have you a doubt he did?—I have not. How long is that ago?—Three or four years. What was the name of the unfortunate man?—Davis. Did you make any, and what bargain with the Bank of England before you were admitted as evidence?—I did not. I told them I had been innocently dragged into it, and that I would communicate the whole of the circumstances: I did so, and told them where we got the forged notes. Pray, were you innocently dragged into the present transaction?—Yes, I was. What age are you?—Between twenty-eight and twenty-nine. Not older. Did you know a person of the name of Greenaway?—I did. Were you ever a witness against Greenaway?—I was. What was the charge?—He was with me when I was apprehended. Was he

more fortunate than you on that occasion ?—I do not know what you mean? Did he or did he not suffer ?—He pleaded guilty, and was transported. Then you were the only bird of the covey that escaped ?—Yes. One suffered the penalty of the law, and was hanged; another transported; and the third we have now in court ?—Yes. Whom did you work for last in your business ?—For a Mrs. Angel, at Doncaster. How long ago ?—About fourteen years. Before that time where did you work ?—Where I was apprentice. How many years did you work there ?—Twelve or fourteen. I was brought up with them. And do you mean to say that you are now only twenty-eight or twenty-nine years old ?—I do not know my age to a year or two. Can you speak to three or four years ?—Yes, I can. Are you under thirty-three years old ?—I am. Under thirty-two ?—I cannot exactly say. Where was your birth place.?—South Kirby, Yorkshire. You said that you had been committed to Abergavenny ?—I was. On what charge ?—On a charge of taking a French prisoner. Do you mean taking or taking away ?—Taking. That is, assisting in the escape of a French prisoner ?—No, preventing his escape; I will satisfy you of that. Who was the honest Welch parson who committed you ?—I do not know. Did he not say, that if what you had been guilty of had been done by a commissioner of transports he would have committed him ?—He did.

The witness was then desired to explain the circumstances of the transaction. He stated that he went to Tothillfields Bridewell, to visit a friend, where a man of the name of Warner gave him two letters to be sent to Buonaparte; and as soon as he had got them, he (the witness) gave information at Bow Street: from thence he went for an officer to the Transport Board, where he saw a clerk of the name of Sugden, who ordered him to go down to Abergavenny to bring to town Colonel Privetti, one of Buonaparte's principal artillery officers there on parole: he went down accordingly, with an officer of the name of Dickins; but the colonel would not come away, and the witness in consequence came to town for fresh orders. He received a letter of authority from Sugden, and went down again to Abergavenny, and hiring a cart at Bristol, by Colonel de Privetti's orders, he had proceeded with him about eight or nine miles when he was stopped, taken before a magistrate, and committed on a charge of aiding in the escape of a French prisoner of war, notwithstanding he produced the letter given him by Sugden, the magistrate, declaring that due notice had not been given to a Mr. Jones, who had the regulation of the prisoners of war in that part of the country.

What compensation were you to receive, if you could get Colonel Privetti out of the country ?—No particular sum. Who made you the offer ?—Warner, who lived in Kent, and was then in Tothillfields Bridewell for aiding in an escape. How came you to go there ?—I went to see one Robert Kennett. Has not your friend Kennett been hanged? Yes: he was no particular friend of mine; he referred me to Warner. I had known Kennett two or three years before. What has become of Warner ?—I do not know, I believe he is now in Kent. Has he not disappeared ?—

I have not seen him for two or three years. You have said that a man of the name of Dickins was your companion into Wales. Was he not charged some time ago at the Old Bailey with entering into a conspiracy that made a little noise?—I do not know any thing of him. I mean, was he not the associate of a man of the name of Vaughan?—I do not know it. Have you any doubt whether it is the same Dickins.

Lord *Ellenborough*. If he be, how can we incorporate him with this case?

Mr. *Wetherell*. My object, my lord, is to shew that this man's friends and companions were felons and forgers: that they were all among the basest of mankind.

Mr. Justice *Abbot*. Every witness is entitled to the protection of the court. I remember that was discussed on the trial of Mr. Hardy, when Mr. Erskine, one of the highest and ablest advocates at the bar, and counsel for the prisoner, examined a witness in a certain mode.

Mr. *Wetherell* then asked, Do you believe that the Dickins you have spoken of was the same man?

Lord *Ellenborough*. If you prove it, what have we before us relating to him? It is really corrupting all justice when such prejudices are received.

You stated yesterday that you and Watson had a private conversation at your lodging, and that you desired your wife to go out of the room?—I desired the person in the room to go out. Did you desire your children to go out?—I have none. You said yesterday that you were a married man, and that you desired your wife to go out; what is the age of your wife?—I do not exactly know her age. You have had children?—Yes. How many?—Three or four. You seem not to recollect exactly?—Four: three and a miscarriage.—Where is your wife?—In the country; in Yorkshire. When did your children die?—Three or four years ago. Is the mother of those children dead or living?—Living. And she is your wife?—I do not know whether she is my wife or not: we lived together as man and wife. Were you married to her? Were you at church?—We were: at Dover Court, near Harwich. How long ago?—Ten or twelve years. Was her name Pricket?—Yes. What do you mean then by telling the jury you lived together? and you called her your wife, if you were really married to her: did you not mean to intimate that she was not your wife?—I did not. Why did you not say she was your wife, and not the person you lived with?—I have lived with another person since. What was her name?—Toms. Was the person who was in the room when Watson called, Mrs. Toms, or your real wife? My real wife. What age is Mrs. Toms?—She is dead. Is there no other person with whom you now cohabit as your wife? Were you ever married before you were married to the woman of the name of Pricket?—I never was. Have you ever made proposals of marriage to any person within the last two or three years?

Lord *Ellenborough* objected to the question on the ground that it tended to criminate the witness.

Where did Mrs. Toms live?—In King Street. You said that your last employment was that of selling children's figures; did you ever live at a house called Mother Toms'?—I did. Where was that?—In King Street, Soho. Pray what sort of a place is Mother Toms'?—She was a person who kept a lodging house. You call it a lodging house; was it for male or female lodgers?—Female. Were her lodgings let by the hour, or half hour, or by the month?—By the week. But she occasionally let them out for a few minutes?—Never for less than a week. I put it to you; is it not a house of ill fame?—No, it is not; it is not, upon my oath. You may call it what you please; but it was never let out for a few minutes. Is not Mother Toms' a place where prostitutes are kept?—It is a place where young women take lodgings. Is it not a house of prostitution, or of ill fame?—It is not. Did they not receive persons there for the purpose of prostitution?—No. Were you waiter there?—No. A partner there?—No. Is there not in those houses a sort of character called a protector?—Not that I know of. In what character did you live there?—In the character of her husband. Is there not in those houses a good stout fellow, called a protector, or bully. Did you live in that character?—I did not: she let her lodgings out at so much a week. How many unfortunate young women lived there?—She had three different floors, which she let out to three separate women. Was there no back-door or by-room into which promiscuous company, or chance-customers, as they are called, might be received?—No. Do you not know, upon your oath, that these lodgings were let out for the purpose of receiving gallants? I do not know it; I never interfered with them. You do not know whether the chief run of the visitors were males or females?—I never observed; I had nothing to do with it: I neither paid nor received. You do not believe that the lodgings were let out for the purposes of prostitution?—I do not. Do you believe they were?—I do not believe they were. Whose name was on the door?—My name; but I did not pay the rent: Mrs. Toms always did that herself. When did you take the brass plate off the door?—It is not taken off now. How long has it been on the door?—About a year and a half; but there is another plate over it. Mrs. Toms' name was on the door first; but that was taken away, and a fresh plate put up. Is your name legible now?—No; but I have not been that way for eight or nine months, therefore I cannot tell whether it is legible now or not. You have not stated exactly where your wife is?—I do not know exactly: I sent her into Yorkshire, close to Doncaster. What did you send her there for?—To see my friends. Do you know a young woman the daughter of a baker at Brighton?—I do. What is her name?—Streater. What is her age?—I do not know. Had you been much at Brighton before your confinement?—I have been there twice.

Having now gone through the course of your domestic history, Mr. Castle, proceed we next to the topics of general history with which you have favoured us. You said on the second of December you proceeded to London Bridge?—I did. Between eight and nine in the morning?—No; nothing of the kind; between eight and nine in the morning I proceeded to the Black Dog,

Drury Lane. And went from thence to London Bridge?—No, to meet the waggon at the top of Gray's-inn-lane. I put in the colours. I do not know who put in the powder, but it was taken from the Black Dog by one John Kearns. There might be half a canister of it, and 60 or 70 balls. It was the regular canister powder: a small canister I think; a one lb. canister. I tied them up in a dirty white handkerchief, or something like it: the balls were in the foot of an old stocking: besides this, there were two or three small cartridges with slugs. These were all the warlike stores I believe. I went to the Tower at about half past eleven o'clock. I did not go to Spafields myself, but to No. 1, Dean Street, where I assisted Kearns in wrapping up the banner. Then I went to London Bridge, to meet the smiths. And were the smiths there?—None that I know of. What smiths were they?—Some that came from a factory over the water, belonging I think to one Bouverie, or some such name. I was sent to meet them at London Bridge, as they had made a subscription of 12s. 6d.—Then the story about your meeting the smiths comes to nothing. There were none?—I did not say so: I saw none, but they might be gone to Spafields. Did you not tell Watson that the smiths would assist?—Watson and Preston had both been with me to see them at their dinner hour. I do not know any of their names, nor can I mention one of them that promised to attend.

When at the Tower, you did not waste your breath in an harangue at the walls. You made no speech to the soldiers?—I had been with the soldiers. But you did not, in the words of the indictment, "On the 2d of December, with a loud voice command the soldiers of our sovereign lord the king to give up the Tower?"—I did not. Then you went, where?—Up the Minories, where all was quiet, and I met Hunt in Cheapside twenty-minutes before one. What did you say to Hunt?—I asked why he was so late, and said that young Watson had gone with a party of men from Spafields to attack the Tower, as I was informed. He looked at the clock, and said that one o'clock was the time appointed for him to be in Spafields, and then he drove off. Did you say nothing to him about the Tower?—I did not; that is all the conversation that passed. Did you not tell Mr. Hunt that you had just come from the Tower, and add "The Tower has been in our possession for two hours," or something to that effect?—No, I did not. Did you not say "the Tower is in our possession?"—No. Or in any way give him to understand the people had got the Tower?—No, I did not. Did you not desire Hunt to turn back, and go with you to the Tower?—I did not; I desired Mr. Hunt to make haste to Spafields; he immediately drove off, not stopping half a minute. What way were you walking?—Towards the Bank. How came you to be going that way?—I was going down to the Tower. You had been there once before that day, and why did you wish to go again?—I had met the elder Watson, Kearns, and Thistlewood, and they said that young Watson was gone with a party of men to the Tower. Were they armed?—I did not see any arms. Watson had a dirk stick, but it was not drawn. I then went to Mark Lane with Kearns; and as I came back I heard a great noise be-

tween the Royal Exchange and the Bank, and there I found young Watson with about 200 men and boys firing in the air.

The witness then stated the circumstance of his proceeding with Thistlewood to a man in the New-cut, to hire a stage or waggon to speak from. The meetings, from time to time, were kept up in Greystoke-place and at No. 1, Dean Street, once or twice a day. After the insertion of the advertisement, several persons came to Greystoke-place with money which the elder Watson took: once a 10l. note was sent all at once, and the whole amount of the subscriptions might be about 30l., but the witness never took any particular account of it. He said that, when Harrison withdrew, he was thrown into some alarm, and he objected to continuing the meetings in Greystoke-place.

What was the ground for Harrison's withdrawing?—On account of a quarrel which took place between him and the younger Watson, as they were going to Seale's for the bills. When he withdrew, who introduced Hooper?—I did: he was appointed in his stead. Did you not prevail upon Harrison to withdraw, as he was suspected, and it would be better?—I did not. You know a man of the name of Angel?—Yes: I invited him to dine; he was a stranger to all but Hooper. Did you not propose to introduce him to the committee?—I did not. Did you invite Angel to the private meeting?—I did, but he refused. I asked several others to join the meetings, but I cannot exactly state their names. Cannot you remember any of them?—I asked the two Crisps. You mean the private meetings?—No, I never invited any person to join the private meetings; the meetings I referred to were in Spa-fields. Did you not tell those whom you invited to go to Spa-fields, that you had got arms for them?—I did not: I do not know how many went that I invited, or whether the smiths were there. I cannot say how many I invited. Did any you invited refuse to attend?—Not that I particularly know of. Did you report how many you had prevailed upon?—I reported every night, and sometimes twice a day. Were those reports true?—They were always correct. Were they in writing?—Never. Did you not say that 500 smiths would attend?—I did; 500 smiths, and men from other factories. I do not know how many, in fact, attended. You cannot say how large the muster-roll of smiths turned out?—I cannot tell: I saw none of them. Should you know any of them?—Yes; two, if I were to see them. Did you see any person in the crowd whom you invited to attend at Spa-fields?—I did not. Before the 2d of December did you go about to any public-houses to treat soldiers, and show them cockades?—Yes, I shewed one to the soldiers in the stone-kitchen in the Tower. I had got one in the crown of my hat inside: I took it out, and shewed it to the soldiers. Did you take any of them aside, or into some bye-place to show it?—No, I shewed it them in the tap-room. And what said the soldiers of the cockade when you shewed it them publicly in the open tap-room?—They said it was very pretty: very fine colours. Did you treat them?—I gave them some beer. Any thing else?—One asked me to lend him sixpence, and I gave him a shilling. Did you often go to the Tower in this way?—Three or four times.

You mentioned yesterday that you had been at a public-house in the neighbourhood of Drury-lane theatre, where you saw some soldiers. Were they in their red coats?—Yes, and on duty. The place where you met these soldiers is much frequented, I suppose?—No; it is a small room, and there was nobody in it but soldiers. Was it not a public room?—It was an open room; any person might go into it. You recollect something that passed between you and two gentlemen's servants about the time you mentioned: was it not Mr. Chancellor Leach's servants?—I do not know. I will give you his name; but was it not Mr. Chancellor Leach's servant you wished to seduce on this occasion, and with whom you had a quarrel?—It was young Watson. There was myself, the two Watsons, and Thistlewood in the room. Young Watson quarrelled with the gentleman's servant saying to him that in his livery he looked like a negro run away with a mark set on him. What was the cause of the quarrel?—He did not agree altogether with the meeting. One of the servants was in livery; the other in plain clothes. You went to the Horse-guards also into a public-house there, did you not?—Yes; into the place called the Canteen: it is a public room. Now do you recollect anything of going to dine at Bouverie-street on the day of the first meeting in Spa-fields?—Yes. Who dined with you?—The two Watsons, Hooper, and Preston. Was that the whole party?—There was Mr. Hunt, Mr. Clark, and others. Why did you go to that dinner in Bouverie-street?—We went there because we knew it was the place where Mr. Hunt put up. How late did you stay there?—I don't know, very probably till 6 or 7 o'clock.

You told us there was a plan for defending the Bank, if you got possession of it. You mentioned something about glass bottles yesterday. Describe your plan of defence?—We were to station people in the Bank and in the adjoining houses, and they were to throw from the tops of the houses and the windows any thing they could get, at the soldiers, if they came. But the glass-bottles, where were they to be got?—They were to be got in the houses. A party was to go into the surrounding houses and throw glass-bottles, or pictures, any thing they could get. Well, we shall return to Bouverie-street. Do you recollect any thing remarkable that passed there, Mr. Castle?—I recollect Mr. Hunt said he had not seen the colours which were in Spa-fields, and I took the flag out of my bosom and showed it to him: he held the one end of it, and I the other. Were any particular toasts given after dinner in Bouverie-street?—I don't know. Do you recollect whether you gave any toast yourself?—Yes, I gave one. What was it?—I gave "May the last of kings be strangled in the guts of the last of priests." What passed on your giving that toast?—When I gave the toast Mr. Hunt desired that I would not be so violent, and stopped me. Was that all Mr. Hunt said?—Yes. Was nothing said about turning any body out of the room?—No; not that I can recollect. Is that the only time you were ever admonished not to be violent in your toasts?—Yes. There was nothing said about turning any body out?—No. Nor about the company leaving the room?—No; not as I can recollect. I am not certain

whether Mr. Hunt might not say he would leave the room. But you are quite certain that nothing was said about turning you out? —Yes. You do not recollect falling asleep, do you?—No; I did not fall asleep. Nor pretending to fall asleep, taking a little nap, a sort of a fox sleep?—No. Did you neither fall really asleep nor sham sleep; a bit of a fox sleep; you know what I mean, Mr. Castle?—Oh yes, I know very well, Sir; I neither fell asleep, nor shammed sleep. Not a little nap?—No; to the best of my recollection I did not. Let us see; so you will not positively deny it? Now tell me candidly, did you take a real sleep or a sham sleep? —I did not fall asleep at all as far as I can recollect. Pray, Mr. Castle, did Mr. Hunt invite you to dine with him on this occasion? —Mr. Hunt asked whether all who were there were to dine. That is not an answer to my question; did he ask you, Sir?—No. Then you went uninvited?—I went with the elder Watson and Hooper. How came you to dine at the same table?—I walked up as others did. Did Mr. Hunt invite you to sit down at the same table?—No. Then either you or somebody else proposed this?— Yes, somebody I suppose proposed it, but I did not. Did not something occur about ringing the bell. Did not you ring it?— No. What did you converse about after dinner?—Chiefly on the subject of the meeting; very little politics. Do you recollect something being said about the soldiers?—I do not recollect. Did not Mr. Hunt reprimand you on that subject?—No. Did he reprimand you on no subject except the toast?—To the best of my recollection he did not. Did any gentleman give the king's health?—No; the king was left out of the question. Do you swear positively that the king's health was not drunk?—I never heard it drunk. Was it neither drunk nor proposed to be drunk? —No, it was not.

Did not you tell Mr. Hunt something about your getting a French officer out of the country?—I believe I did. Did not you tell him that you had got five hundred pounds to do it?—Yes. Was this true?—No. Then why did you say it?—It was known to many that I had been taken up about a French officer, and I said it. Did not you boast of having threatend to shoot a French officer?—No. You never said, at or after dinner, that you had endeavoured to get a French officer off; and that because he could not go in time, you threatened to shoot him?—No. I shall remind you of the officer's name; it was Lefebvre; General Lefebvre Desnouettes, I believe, he is called. Did not you say that you tried to get that general out of the country?—I do not recollect. Did not Mr. Hunt reprove you for the manner in which you were talking on this subject, and said you must not enter into such conversation?—I do not recollect. I had taken too much wine and spirits. You say you did not fall asleep, however. Do you recollect any body shaking you?—No. Did any body else besides Mr. Hunt admonish you respecting your conversation?—I do not recollect. Do you mean to say you were intoxicated when in Bouverie-street?—Yes. When, before or after dinner?—Both. I was not drunk, but I was in liquor. Do you know how much wine was drank in Bouverie-street?—No. Do you mean to say that

what was drank after dinner intoxicated you?—No, I was in liquor before.

I understood you yesterday, that before the 2d of December your plan for burning the barracks had been given up, was it so?—Yes. Why? On account of Harrison's withdrawing himself, and the house for combustibles. How much money was required to be put down for the house?—Fifteen pounds. Could you not raise that much money?—It was not the money, the gentleman would not give up the key. But after you got his answer, why did you not look for another house?—It was then too late for the meeting. But the combustibles had not been got?—No; they could soon have been got. But they were to cost some money; one hundred pounds, I think; and somebody said twenty pounds or so were not to be spared?—That was Thistlewood. Now tell us what was the plan for burning the barracks.—The avenues were to be blockaded up to prevent cavalry from coming out.

Pray did you not propose that yourself?—No; Watson and Thistlewood proposed it. There are six avenues, you say, leading to the Portman-square barracks, and these were all to be blockaded; are they large?—Pretty large. Could carts go through them and turn in them?—In some, not in all. You say the plan was dropped, because Harrison withdrew; why could not the five that remained of the committee go on with it as well as six?—Mr. Hunt was drawing up the petition for the public meeting, and it was expected it would be better then, as a great number would attend. If Harrison had not withdrawn, would the plan have been executed?—Yes, it would. And all the soldiers would have been stifled or killed, you said?—Those who escaped would have been killed. You said, on Saturday, that you were to stop all gentlemen's carriages, all servants, drunken people, and to make them join you?—Yes. What else was to be done?—People were to be collected in the Regency park, who were to have bread and liquor served to them. But when we got the house, those we could place confidence in were to be employed in fitting the pike heads to the handles, and carrying the combustibles. Thistlewood and young Watson were to bring as many as they could from Gray's Inn-lane, while the elder Watson and I were to have people at the house to distribute the combustibles. When we met coaches, we were to take the coachmen off the boxes. And you were to pick up all the drunken people in the streets to assist you?—I did not say any thing about picking up drunken people. We were to stop every body we met, take all the horses from the carriages, and those who could ride were to form cavalry. The coaches, I believe, were to be used for blockading?—Yes. Now let us hear how the barricading of the avenues was to be accomplished?—At the end of Oxford-street, near the Park, there were to be two field-pieces. Who was to command them?—Harrison; he being an artillery-man. Then you were to barricade Oxford-street?—Yes; all the coaches and carts we could get were to be employed, and all the avenues barricaded on the right side, all the way to Gray's-Inn-Lane. Pray do you know what business Hooper is?—I believe he is a shoemaker. A shoemaker or a cobbler?—I do not

know which. What is Preston?—I believe he is a shoemaker. Did you ever see either of them on horseback?—No; they told me they could not ride. But they were to be field officers and generals of division; how were they to lead on their troops?—Hooper was not one; he did not belong to the committee then. But Preston was lame, and could not ride, you say?—Yes; but he said he could walk fast enough on an occasion of that kind. What were you to do in Picadilly?—To barricade all the entrances to the Park, and chain the turnpike gate. The walls in the fronts of gentlemen's houses, or their gardens, were to be pulled down, and the iron palisades and spikes on them were to be used in blockading passages, because there would not be enough of carriages.

You say Watson is a good calculator?—He was always employed in calculating. Did he calculate how much time this pulling down of stone walls and collecting palisades would take?—No. Had he calculated how many days would be requisite for this pulling down and blockading?—No; but it would have been soon done. We should have had possession of London in three or four hours. The whole business would have been done at once. The different generals were to act in different quarters. When the burning of the barracks had struck terror, and we had met at our rendezvous, we were to halloo, and say that the soldiers had joined us. The soldiers! they were to be stifled like rats, you know. But there were other barracks besides the Portman-street and King-street barracks. What were you to do with the Knightsbridge barracks?—Oh, we could not get near them. Then Dr. Watson, who had such excellent medicine for the other barracks, could not prescribe any thing for those at Knightsbridge. Why could not the stinking process go on at Knightsbridge?—I never used the word stinking. Thistlewood, Watson, and myself, had inspected them, and we found there was no means of reaching them. We therefore gave them up. How were the soldiers of these barracks to be prevented from entering the town?—By barricading, and the two field pieces, which were to be planted at Hyde-park gate. There was to be a party of pikemen also with these guns. Now let us go to the Horse-guards. What was to be done with the troops there?—There was to be one field piece, or two if they could be spared, placed in the Green Park, to play on them, if they attemped to go that way. You have told us of only two field pieces before?—The whole artillery was to be taken from the barracks at the Regent's-park. Was it no part of your plan to make use of the great mortar in the Park. You know what I mean, the bomb that was brought from Egypt?—No. I thought you, perhaps, might have proposed to try a few pounds of powder in it?—No, I never heard it mentioned. There are some infantry barracks in Knightsbridge, on the left hand side, what was to be done with them?—Thistlewood and I examined them, and agreed we could do nothing with them: we could not stop the men from going out at the back. So there was a rat-hole there, was there? The men could get out. I think you mentioned that you were to barricade London-bridge to prevent the arrival of artillery from Woolwich?—Yes, I did. But, Mr. Castle, did it never occur to

you that guns might be brought up by water: pray what were your naval means of defence?—Young Watson and I were to go down to the wharfs to examine the wharfs, and the vessels in the river were to be seized, to form a naval force to prevent the artillery from being brought up from Woolwich. The vessels were then to be fitted out, and sent to sea to tell all the ships they might meet that a new government was formed, and to desire them to come home for orders. Then your plan was to blockade the Thames as well as the land?—Yes, it was. Did you ever mention this naval part of your plan before?—Yes. Then why did you not mention it yesterday? Did you think it too ridiculous?—I was going to mention it when I spoke about going with young Watson to the wharfs, but I was stopped. Have you ever gone by the name of Jackson?—Yes. After the first Spa-fields meeting, Angel told me it would be more prudent to get a different name. But you went back and forward to the meetings as usual?—Yes. Then why were you afraid?—Because Preston had been taken up. Did you ever live in Carnaby-market?—No.

You went to Exeter Change for arms, I believe?—Yes. Did you see any? Yes; we expected to find as many as would serve forty or fifty. There were pistols, and sticks with swords. Did you not say you expected to get guns there?—Probably. Did you ever see any guns or sabres there?—Yes. Will you swear to have seen one gun?—I cannot be certain. Will you swear to sabres?—Yes, to more than twenty. Did you not say that one reason for giving up the blockading and burning plan, was, that the people were not sufficiently ripe for it?—Yes. No, I did not say ripe; not sufficiently numerous without a meeting. Did you not know Kearns before he joined your party?—I had seen him at the meetings. You said, yesterday, that Mr. Watson spoke to you first about overturning the government. How long had you known him then?—I had seen him different times at the meetings. Had you ever seen him three times before?—I do not know. Will you swear that he never spoke twice to you before he talked in this way of its being easy to overturn the government?—No. So, then, your conversation with him on that subject was the first that ever passed between you?—Yes. When did you first disclose this to any body?—About the 6th or 7th of January. And you were first imprisoned in the beginning of February?—Yes. Very well, Sir. Now, were you near enough at the first Spa-fields meeting to hear the resolutions put?—I was in the room. Did you see any magistrates there?—I do not know. Did you not boast of having put your fist in a magistrate's face?—Perhaps I did: but I did not know he was a magistrate. It was a gentleman who nearly shoved me off the table. Did you not see some police officers in Merlin's Cave?—Yes. I believe your person is not known to them?—I know some of them. Do you not know that the room you forced yourself into was one appropriated to the magistrates?—I do not: I did not force myself in; I went up with others. The flag was at the window; and as Mr. Hunt put his head out at it to speak, was it possible for him to miss seeing the flag?—He could not see the inscription on it. Was the flag used at the first meeting, which you said you took to

Bouverie-street, the same that you had at the second meeting?—Yes. You have said you were in distress in February last. Who has supported you during the period of your imprisonment; you are now well dressed?—I have been supported in Tothilfields bridewell. Mr. Stafford paid for my dress. Has he given you pocket money also?—Yes. Have all the things that have been given you been paid for by money from Mr. Stafford?—Yes. Who furnished the money for sending your wife to Yorkshire?—Mr. Stafford also. He paid five pounds. But why send her out of town; she was not a traitoress; there could be no particular harm in her remaining in London?—Perhaps not. But why was she sent out of the way?—That is best known to myself. Who suggested the plan of sending her away?—Nobody. If your wife had been there, could not she have stated some matters of importance?—No, I never communicate my affairs to her, No, I dare say not; but there are some dates and facts of importance which she might have known: for instance, could she not have verified the fact of your sending her out of the room when you wanted to speak privately to Watson; perhaps she could have stated where you had been at some particular time?—I do not think she could.

Mr. *Shepherd* objected to this course of examination, and the court sustained the objection.

After Preston was apprehended I believe you endeavoured to take care of any little property or furniture he might have?—The goods were not his. When Preston was taken before the Lord Mayor, Preston's daughters assisted me in taking away a table and flock bed that belonged to the committee. I took the things and appropriated them to my own use, for the committee had left me without any thing. Was the committee obliged to support you?—They had supported me before, and Thistlewood had always said there would be some money to take me out of the country if any thing happened, You know the house of young Watson in Hyde-street; had you the key?—No. Will you swear you had no access to it?—I never was there but twice in my life. You took the pikes there, you said?—Yes. Now I should be glad to know whether you are aware of what became of the pikes you took there?—I have heard since that they were found in the privy. Mr. Nodder, with whom I am confined, gave me the information.

Re-examined. Did you know the pikes were found in the privy before Mr. Nodder told you?—No. Were you ever in the house after young Watson and you carried the pikes there?—Never; (after a pause) I beg your pardon, I was there once with the elder Watson and Preston's daughter, to assist in taking away Watson's goods to Greystoke-place.

In answer to questions from the Bench, respecting the hundred guineas which were to be paid to the soldiers, the witness said: The money was to be immediately paid, when we got possession of the Bank. This was settled at a consultation between Harrison, the two Watsons, Thistlewood, and myself. The whole notes in circulation were to be destroyed, and all payments were to be in cash. It was agreed upon, that we could find plenty of plate in

the noblemen's houses, and were to coin money with the impression of a cap of liberty.

Juryman.—You have spoken of several meetings you had with the committee; was it at the first that the plan you have described was agreed upon?—Yes; it was on the first Sunday.

Court.—Was the property of individuals to be taken by force?—The generals were to give an order for the value on Thistlewood. If the order was not accepted, the property was to be taken by force. You said that the Bank and the Tower were to be attacked. Was there any other public place you intended to take possession of?—Somerset House was to be our head quarters. You had no money in hand?—No; what money we had came from Thistlewood, and I do not know what he was possessed of.

JOHN DYALL.

He knew Watson and Preston, and believed he had seen Thistlewood and Hooper. He was at a public-house, in Slaughter-street, Spitalfields, on the 3d or 4th of November last, where he found three or four persons assembled. He understood there was to be a meeting there in the evening; in about half an hour Preston came in. They had some public-house sort of conversation round the fire, and as witness said he had no money, Preston declared that a pint or two of beer was no object, and that he did not like to see a poor man in distress. Beer was accordingly brought in, and Preston, he believed, paid for it. The two Watsons afterwards entered, and they proceeded to business, which was to petition for a reform of parliament. There might be about thirty persons present, and the elder Watson made a speech in support of reform. Preston said, petitions to parliament had been so often presented, and were so little attended to, that he thought that it was an useless proceeding. Witness thought that this remark was inconsistent with the professed purpose of the meeting, but their discourse was all of this tenour. Watson the elder produced a paper, which he called a memorial, and which he read to the meeting. Witness was nominated to the chair, and young Watson was appointed secretary, for this particular occasion. He attended at the same house on the Thursday following. Preston never told him where he lived, but he went to No. 9, Greystoke-place, because Preston desired to make him out, and explain to him, the circumstance of his name appearing to an advertisement in the Independent Whig. He saw Thistlewood there, who was dressed like a gentleman, in Hessian boots and a great coat.

Cross-examined by Mr. Wetherell.

He was the man known by the name of the Green-coat orator of Brentford. He got the title, however, by his speeches in Covent Garden, and was actually the person who went by that appellation, which he considered he had obtained by being an honest man and always speaking his mind. His name was at first made use of without his knowledge, and he assented to it afterwards, because he thought the object of the meeting was to petition for parliamentary reform, which he thought was a fair and constitu-

tional purpose. Preston was the person who procured his assent, telling him his name had already appeared in the Independent Whig, which induced witness to suppose at first that the editor had been writing some paragraph against him. He told Preston he should have got a more respectable name to give a gloss to the intended meeting, which he attended, but was not nominated to the chair.

WILLIAM HILLIER.

I am a publican: I keep the Tower-tap in St. George's-fields: a gentleman of the name of Maudsley has an iron factory near, and three or four of his men generally dine at my house at one o'clock: I know Preston and Castle: they came to my house in November last, a few days before the riots, and others were with them of their party. Bills of the meeting had been brought before that time. While Preston and Castle were there, some of Maudsley's men came in, who had some beer given them. I do not recollect any thing that was said to Maudsley's men by Preston and Castle on going away, except these words "You will be there;" and the men answered, "We certainly shall." Castle came afterwards, often at the dinner hour: I never saw Preston in my house but once.

RICHARD STATHAM.

I am a soldier in the Coldstream Guards: last November and December I was stationed in the Tower: I remember the riots in the Minories; and shortly before that day, two persons came into the stone kitchen; one of them was Hooper. About a dozen soldiers were there, to whom the two persons gave beer: one of the two took hold of a pot of beer, and said, "Success to a big loaf:" after that they had about five or six pots more, but I heard none of the conversation: they remained about half an hour, and at going away, the tallest of them came to me and called me countryman, saying that he came from Sheffield, in Yorkshire; they gave me a shilling for some beer, and promised to come again on Sunday. The Yorkshireman gave the toast about the big loaf.

Mr. Wetherell then proceeded to address the court and the jury for the prisoners, in a speech of great power and length.

SIXTH DAY, Saturday, June 14.

MR. HENRY HUNT, examined.

He said that he lived at Middleton Cottage, Hants, but had not received any subpœna from the crown, though he had from the prisoner. He remembered the Spa-fields meeting of the 15th of November, and spoke at it to the crowd assembled round the Merlin's-Cave. His speech, however, was not any thing like that reported in the Times and other newspapers. After the speeches had concluded, a motion was made to adjourn the meeting to a future day—to some day after the meeting of parliament.

Did any person, and who, afterwards propose an alteration of that day?—Yes. Who was that person?—The younger Watson. Do you recollect the father of the younger Watson saying any

thing upon that subject, when his son proposed the alteration of the day?—I do. What did the prisoner say?—He endeavoured to prevail upon his son not to propose it, as it was too early: he thought meeting again in a fortnight's time was a great deal too early and unnecessary. Were they both standing near you?—At this time side by side. Where did this take place?—At the window of the room of the Merlin's-Cave. Before the younger Watson proposed the alteration, had the elder Watson said any thing upon the motion first proposed?—He addressed the people, but I do not recollect whether he said any thing upon the motion of adjournment or not. I did not first propose the adjournment; there was a general cry for an adjournment: and after that general cry I proposed an adjournment either to the second day or the second week after the meeting of Parliament; I do not recollect which. You describe yourself as standing at the window, with the Watsons close to you?—The younger Watson at my right, and his father close to him. The younger Watson pressed to get to the window; and he was opposed by his father, not merely with words, but with a gentle force. I beg leave to add, that the younger Watson, in my hearing, was sent forward from the back part of the room by some person there to propose his motion; and his father and myself having heard this, it induced us both, before he began, to endeavour to prevail upon him not to make such a proposal.

Where did you dine on the 15th of November, the day of the Spa-fields meeting?—At Cooper's hotel, in Bouverie-street: the inn I was staying at. One part of the hotel is in Water-lane, and another part in Bouverie-street. Do you know a gentleman of the name of William Bryant?—I do. Have you known him for some time?—Four or five years. Did you expect him there to dinner?—He had engaged to order dinner for himself and me at five o'clock. A day or two before, I had expected to meet him there on private business. Had you invited to dine with you there a person of the name of John Castle?—I had not invited any person, nor did I expect any person. When you got to Bouverie-street hotel, did you, in fact, meet Mr. Bryant there?—I found him there with his son, a little boy. He told me that he had ordered three whitings and chops for three: the cloth was spread for three.—Before you sat down to dinner, do you recollect Mr. Castle coming into the room?—I do; it was a private room, not a public coffee-room. Did any other persons come in with him?—Many; I did not know them all; there were the two Watsons, Thistlewood, Castle, a young man of the name of Clarke, who had presided at the public meeting, and I think several other persons. Did Castle come into your room in consequence of your desiring him?—Certainly not; I did not know him then; I only know now that it was Mr. Castle. Did all the others come into the room with Castle?—They did. When they came into the room, did Castle or any other person say any thing upon the subject of dinner?—I will answer that question, if you please, in my own way. I was not surprised to see the Watsons and Thistlewood come into the room, although I had not invited them, it being usual at public meetings that those who had taken part in the

meeting should dine together afterwards. But you were surprised that Castle made his appearance?—Yes, and several others; and I remonstrated as well as Mr. Bryant, telling them that it was a private room, that dinner was just coming up, and giving them a hint that it was necessary they should retire. I do not think that I had seen Castle before that day. I never recollect seeing him but with the flag in Spa-fields. The first time I observed him he was unfurling the flag, and fixing it upon a pole; and after I was in the Merlin's-Cave, he fixed it at the side of the window. Having fixed the flag at the side of the window, where did Mr. Castle station himself?—I saw nothing more of him to my knowledge till he came into the room in the evening. These gentlemen having come into your room was any thing done by them in consequence of your hint? Did any of them retire?—Possibly some might; but one person, I do not know who, perhaps Thistlewood, proposed that they should have some chops with us. I and Mr. Bryant answered, that we had only ordered dinner for three, and that they could not partake of it. One of them immediately proceeded to the bell, I believe Castle, and said, "We will order some beefsteaks or some chops;" and upon the landlord or the waiter entering, he ordered fish and steaks to be added to our dinner. The cloth was laid and we were soon seated. Was Castle at that time in liquor?—As far as my judgment goes not in the least. Did his manner of speaking or his gait betray the symptoms of a man in liquor?—He was extremely forward and officious, but not in liquor.

This postscript having been added to the dinner, how many of you sat down to it?—I should think ten or a dozen, but I do not exactly know. Was the elder Watson one of those who sat down of the party?—He was. The younger Watson was also there, and Thistlewood. I had seen them the day before for the first time, and those were the names they gave me. Mr. Castle having invited himself, sat down to table of course?—O yes. Was the king's health drank after dinner?—It was; Mr. Bryant sat at the head of the table, and as soon as the cloth was removed he drank the king. I observed "You had better not give any toasts at all, but you shall drink the king," and the toast and bottle passed round till it came to Castle. To the best of your recollection did the elder Watson fill his glass to the king, taking the bottle as it came by?—I observed that it passed all but one. Clarke was next to me on my right, and Watson next to him, and it passed all round till it came to Castle. When it came to him what occasioned the circle to stop?—It did not stop immediately, but Castle began in a very loud tone, "May the last of Kings be strangled—" I rose from my seat to stop him, saying that no such language should be used in my company. What said Mr. Castle to that?—He followed on by saying something about the guts of the last priest. This was reprobated apparently by the whole party, particularly by myself, Bryant, and the elder Watson. I beg leave to add, that on this Mr. Castle made a sort of apology. Did he introduce any military subject into conversation?—Some time afterwards he burst out, "D——n me! the soldiers are our friends." Upon which I said, "Pray Sir, what have we to do with soldiers here?"

He intimated that he had had frequent conversations with them; and my answer was, "the more fool you," or something to that effect. In short, you gave him a good smart hit?—Yes, if you call that a smart hit. Whether upon this occasion I do not remember, but upon one or two occasions he was expostulated with by the elder Watson for his violence.

Do you recollect whether he said any thing about French prisoners?—Yes; he was the general spokesman; he was intruding himself upon every occasion; he related a story that he had been concerned and instrumental in taking two French prisoners out of the country, for which he had been imprisoned in Maidstone gaol for two years. I intimated across the table to the elder Watson, "Pretty company you have introduced here;" and Bryant added, "Yes, pretty society we have got into indeed." I beg leave to add, that Castle said that he had received 500l. for carrying those French prisoners out of the country, and that he was to have had 4 or 500l. more for aiding in the escape of another French prisoner in Wales, but that he had been disappointed. His disappointment arose from this circumstance, that he could not get the French prisoner to ride on horseback; that he had carried him a considerable distance in a cart, when he found it necessary to place him on horseback, but he refused to ride, upon which he said with an oath, "I drew out a pistol, and I waited for some moments to know whether I should blow the b——y villain's brains out or not. I had a d——d good mind to shoot him." Upon this Bryant and myself applied to Watson, or to some of the party, representing the necessity of their taking their friend out of the room as soon as possible. I believe upon this occasion some person, I believe the younger Watson, [it was the first and only time he spoke during the evening] endeavoured in some measure to justify the aiding in the escape of the prisoners; and I have the more reason to think that this was the younger Watson, because the elder reproved him. Castle then produced the flag, with an exclamation that it was his flag, or in his possession, and that he would have his heart cut out before he would part with it. I think at this moment he told us a story about the Spital-fields' weavers, of their having made the silk, and he having prepared the rest of the flag. I observed "Pray, Sir, who do you think would attempt to take this flag: let me see it." It was then spread, and I read the motto, "Nature to feed the hungry, truth to protect the oppressed, and justice to punish crimes." I said, "I see no harm in all this flag or the motto, and I am surprised at your violence about keeping possession of it." I believe that this occurrence took place previous to the history of the escape of the French prisoners. Castle then produced three or four knots or cockades of riband, of the same colours as the flag, and he offered me one of them. I refused; telling him "You had better give it to your sweetheart, if you have one" or something of that sort. He then offered it to Mr. Bryant, who said, "O yes, I will take it; it will do for my pretty little maid;" and put it in his pocket. After the history about the French prisoners, I got up and declared that he should go out of the room, or I would, and as I said before, represented to Watson the necessity of taking

this fellow away: and I believe I should have persuaded them to turn him out, but Mr. Bryant or some other person, said it would be better not to make a bustle, upon which I declared, that if he uttered one more sentence of that nature, either he or I should go out of the room; he then expressed a sort of contrition, and said no more. Other conversation having then taken place, in a very few minutes afterwards, I saw him rolled up in his chair, sound asleep.

Was this what is called a fox's sleep?—At first I expressed pleasure that he was silent, and I desired one of his friends for God's sake not to wake him. It was afterwards proposed by one of the party that they should go, and I requested that the first that went would wake him and take him away. His friends endeavoured without success to rouse him, though considerable violence was used; and as at that time I was thoroughly convinced that his sleep was feigned, I struck him a blow in the ribs almost as hard as I could strike, and quite enough to have knocked any common man down. It, however, made not the least impression upon him, but he sat as still as if he had been dead. I then rang the bell, and ordered the bill, which came to about 5s. 6d. each.

Had you at this time drank wine enough to make a man what is commonly called drunk?—The dinner was 3s. a head, and I leave it to you and the court to determine, whether the rest would buy wine enough to make any man drunk: but I say on my oath, that no man in the room appeared the least intoxicated. I remonstrated with Watson about him, and Watson said that he was a very good fellow, but a little indecent in his conduct. Watson appeared to have the greatest confidence in him. When the whole party had got their hats Castle was as wide awake as I am.

The witness then related that he came to town from Wanstead, (where he had been to avoid all communication between the period of the two meetings) to attend the second meeting, and passing in his tandem along Cheapside, he saw a crowd of persons passing on both sides towards the Mansion-house. While looking out for information of the cause, he caught the eye of Castle, who ran up and said, "For God's sake, how came you to be so late to day?" The witness looked up at the clock of Bow church, and saw that it wanted twenty minutes to one, the hour appointed; and observed to Castle, that he was all in good time; to which Castle replied, "the meeting has broken up these two hours: we are going to the Tower, which has been in our possession for more than an hour. Come along!" The witness exclaimed "D—d scoundrel; struck his horses, and drove off to the meeting, which was the largest collection of persons he had ever seen.

Cross-examined. He said that he did not recollect that all the prisoners dined with him; He had reason to believe that Hooper was there, but not Preston. They did not separate for two hours and a half or three hours; from about half past five to eight o'clock. The hour appointed for the adjourned meeting of December 2d was one o'clock, and the Watsons knew that was the hour fixed; it was stated in the newspapers. The witness's servant was with him in the tandem.

Mr. William Bryant sworn, and examined.

Confirmed the statement of Mr. Hunt in all the most important particulars relating to the dinner, though he was not so minute in his details. Castle went to sleep, and appeared to sleep most soundly, the moment the bill was inquired for; but after it had been paid by the witness and Mr. Hunt, he awaked as suddenly. At that time Castle was rather ill dressed; not near so well as when he gave his evidence.

Mr. *James Wright* was called, and produced a certificate of the marriage of John Castle, to a young woman, at St. Sepulchre's-church.

Mr. *Justice Abbot*. To prove a crime, no matter what.

Mr. *Wetherell*. Both bigamy and perjury.

George Philpot. I have known Castle since the beginning of 1811. I have not seen him for two years; but from what I know of him, I hardly think he is to be believed on his oath. In fact, I say he is not.

Samuel Steer knew George Vincent Dowling, who had stated in conversation with the witness, that, in consequence of these prosecutions, he had been introduced to the Home Department, and that the introduction was like to lead to employment for himself and his brothers, which might amount to 500l. a year.

Mr. *Serjeant Copley* then addressed the jury on behalf of the prisoner.

Lord *Ellenborough* now called upon the prisoner to address the jury if he meant to say any thing for himself, as he could not be heard after the counsel for the crown had addressed them.

Mr. *Watson* (in a firm and distinct tone and manner) said that after the very able speech that was just addressed to the jury in his favour, it would be presumptuous in him to say one word more than that he entertained no intention against our form of government, by king, lords, and commons.

On the seventh day, Monday, June 16th, Lord Ellenborough addressed the jury, who found Watson *Not Guilty*; after which, the charges against the others were withdrawn.

ABRAHAM THORNTON,

FOR THE MURDER OF MARY ASHFORD,

Tried at Warwick, Aug. 1817.

This was as atrocious a murder as ever was perpetrated, and it excited the attention of the world in an

extraordinary manner, owing to its having taken place without retribution, and to the measures which were offensively and defensively adopted to inflict and escape legal punishment.

The evidence, like that in most cases of secret murder, was circumstantial, but in this case the circumstances were so corroborative and conclusive, and affected only by one piece of evidence, (a vague estimate of time, and an alleged impracticability of going a certain distance in a time undetermined and assumed,) so that all England was struck with horror at the turn of the proceedings at Warwick.

It seems that about four o'clock the deceased was seen within a mile of it, walking towards the pit, where her violated body was found at half past six, and that three or four persons swore that they saw the accused between four and five o'clock at a spot which was one mile and a half from the said pit, across the fields, or two miles and a furlong by the road. The Judge, Holroyd, inferred therefore a clear proof of *alibi*, and hence the jury found a verdict of not guilty.

The clamour on the subject was so great that Mr. Edward Holroyd, the son of the judge, published the trial, accompanied by observations and the annexed plan. From this report we have copied the substance of the evidence. Thornton was the son of a blacksmith, and a young man of loose habits, and his father, a respectable man, acted also as steward to one or more non-resident landowners, and among others to the farm rented by Holden. Mary Ashford was a smart and pretty country girl, of twenty, living as servant with her uncle. After the verdict Thornton returned to his father's, but his former companions avoided him, and on going once or twice to Birmingham, crowds assembled and insulted him. After the appeal, as public feeling allowed him no peace, he went under a feigned name to America, where he soon died, and in the mean time his father died of broken spirits. On one side, the enormous legal expenses were borne by public subscription, and the spirited conduct of Mr. Bedford, a Birmingham solicitor, and nephew of the magistrate, and on the other by the father and family of Thornton.

Mr. Clarke opened the case for the prosecution, and first called *Hannah Cox*, who stated as follows:—

I was acquainted with Mary Ashford; she lived at Coleman's at Langley, about three miles from Erdington; Coleman was her uncle; Coleman, her grandfather, lives at the top of Bell Lane; she came about ten in the morning of the 26th May, Monday, going to Birmingham market; she had a bundle with her, containing a clean frock and white spencer, and a pair of white stockings; she was to come back when she came from Birmingham to go to a dance at Tyburn; she returned about six and changed her dress; I fetched a new pair of shoes for her; she left the clothes taken off in a bundle; we went together to the dance; Mary Ashford was in the dancing room; I left the house between eleven and twelve o'clock; I went out first and waited; Mary Ashford was at the room door; Mary Ashford came out afterwards and the prisoner with her; we went towards home; the prisoner and Mary Ashford went on first, and I waited a little; Carter was with me; I walked with the prisoner and Mary Ashford to a place between Reeves's and the Old Cuckoo, near to where the road separated to Erdington; I walked on first, and saw no more of them; I took the road to the left; I went to Mrs. Butler's, and went to bed; in the morning, twenty minutes before five, by my mother's clock (it was too fast), Mary Ashford knocked me up; she came in in the same dress as overnight; her dress was not disordered; nor she; she appeared very calm, and in very good spirits; she changed her dress, put on her pink frock that she had in the morning, her scarlet spencer, and black stockings, but retained her shoes; she lapped her boots up in her pocket handkerchief, and put the rest of her dress and some marketing things in a napkin; she might be a quarter of an hour; she left me on that; I saw nothing more of her.

On her cross-examination, she said—Her father lives at Erdington, a gardener; I had seen something of Thornton between two and three times at her uncle's; no appearance of female complaint when she went to the ball; I had no idea of any then; her grandfather and father lived in Erdington; I got up; I did not take any particular notice of her dress; she said she had slept at her grandfather's, about a quarter or half a mile from where I parted with her; I asked her how long Thornton had stopped with her, she said a good bit, I asked her, and she said he was gone home.

I was present part of the time; she put on her stockings; stood up; did nothing more than change her dress, and go away; I did not observe the stockings she pulled off, nor her shoes; I cannot say whether her frock was stained then or not.

BENJAMIN CARTER,

I was at Tyburn, in the room where the dancing was; saw the prisoner and the deceased there, and they were dancing together; in about a quarter of a hour after she came away and the prisoner with her; they went on the road to Erdington together; I went up with Hannah Cox part of the same road; we went on till we overtook them; I went about twenty yards, and came back to-

wards Tyburn; they were going on the road leading to Freeman's; I came back and overtook them between Reeve's and Potter's; Hannah Cox was not then with them; I came with them to Potter's house, and went home.

JOHN HOMPIDGE.

On Tuesday, 27th May, I was at Reynolds's at Penn's mill; I was sitting in his house when I heard somebody talking, about two in the morning;* I saw nobody immediately; first time I saw a man and a woman; they were in the ford-rift (foot path) at a stile, which leads into Bell Lane; when I got up to the stile, the prisoner was the man; I bid him good morning; I did not know who the woman was; I did not see her face, she held her head down so; they stood against the stile; I got within about a hundred yards of them before I saw them, she appeared not to wish to be known.

THOMAS ASPRE.

On the morning of the 27th of May I was on the road; I was crossing Bell Lane, leaving that lane on the right, and Erdington on the left by Greensall's; a horse pit in the lane, against which I saw Mary Ashford, she was *going towards Erdington*, walking very fast, *about half past three;* she was alone; I looked up Bell Lane in the direction in which she was coming, I saw no other person.

JOSEPH DAWSON.

I got up I think about four; saw Mary Ashford coming from *towards Erdington*, I was going towards it; she was near Holmes.

JOHN KESTERTON.

I live at Greensall's; I put the horses to the waggon at four; and went straight off for Birmingham, through the village of Erdington; I had passed Mrs. Butler's a little way; I turned to look back; saw Mary Ashford coming out of widow Butler's entry; I smacked my whip; she turned and looked towards me; I saw her plain; a quarter past *four*; she turned up Bell Lane; she seemed to be going in a hurry; I knew the prisoner by sight hardly; I saw him not, nor any but her.

JOSEPH DAWSON.

I knew the deceased; saw her on Tuesday morning, 27th, at a quarter past *four*, as near as I can guess; I spoke to her; she asked me how I did, and passed on; she had on a straw bonnet and scarlet spencer; a bundle in her left hand; this was near Holmes's; she was going towards Bell Lane, from Mrs. Butler's; she was walking very fast; I saw no man about then.

THOMAS BROADHURST.

Before I came to Bell Lane I saw Mary Ashford crossing the turnpike road; she was going from Erdington towards Penn's;

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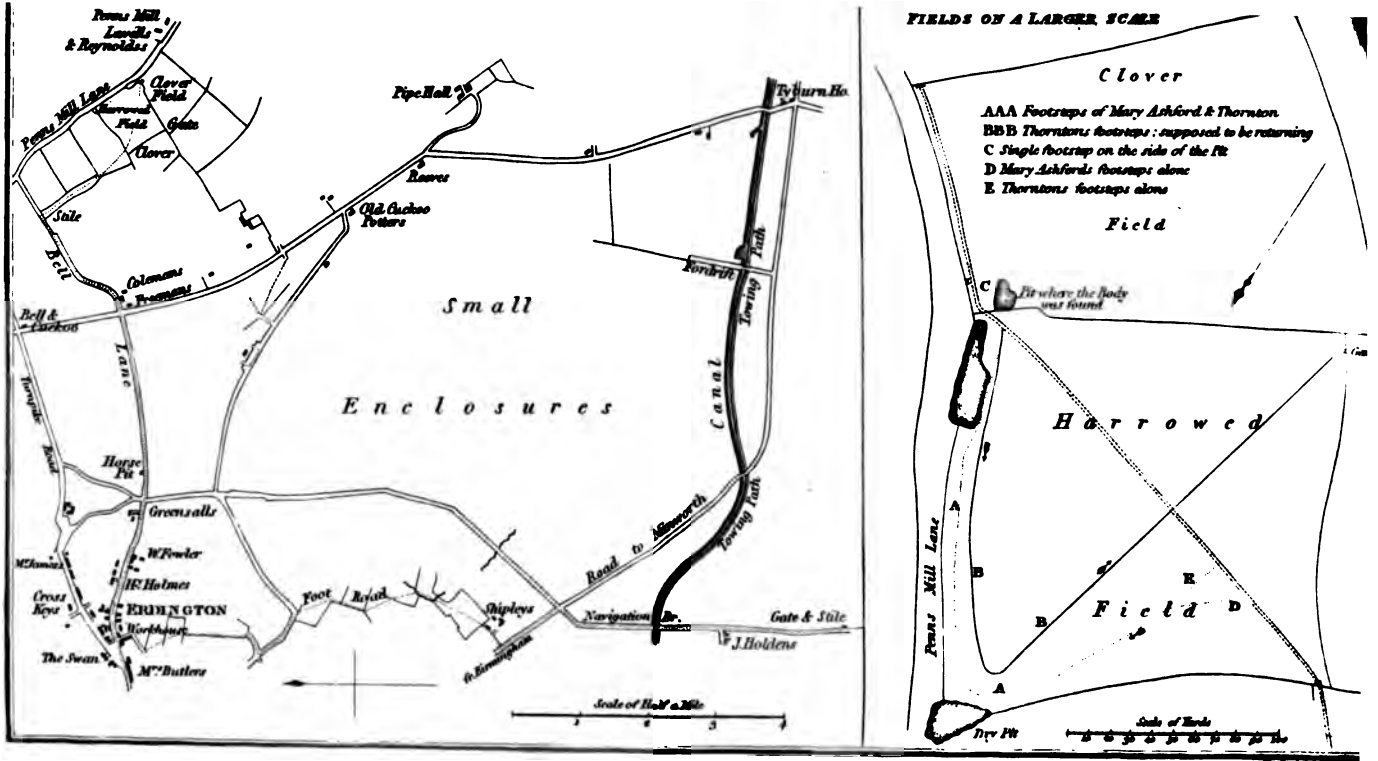
* By the report of others there was much contention for a considerable time in the path from C to D, and particularly at the stile D, between two and three in the morning.



SCITE OF THE MURDER OF MARY ASHFORD.

she had a bundle, and was going fast; when I got home our clock wanted twenty minutes to five; our clock was a quarter too fast.

GEORGE JACKSON.

I live in Hurst Street, Birmingham; I was going beyond Penn's Mills to work; I came by the workhouse of Erdington; I turned out of Bell Lane into the foot path leading to Penn's; going along I came to a pit; I observed when I came near a bonnet, a pair of shoes, and a bundle, close by the top of the slope that goes into the pit; I saw one shoe was all blood; then I went towards Penn's Mills to get assistance; going down from the pit, about thirty yards it might be from it, I observed blood, a triangle, zig-zag, for about two yards; I went a little further, and saw a lake of blood by the side of a bush; I saw more to the left on some grass.

WILLIAM LAVELL.

I went up to the pit in consequence of what I heard from Jackson; footpath through the harrowed field; went along it going from the pit towards Erdington; observed first the footsteps of a man to my right hand; a dry pit at the corner of that field to the right; the footsteps were turning up to that corner; I went further up along the footpath towards Erdington; in about eight yards distance I discovered footsteps of a woman to my right; I traced the footsteps of both from those two spots;* they got together in about fifteen yards, bearing to the hedge; they were both of them running by the sinking in of the ground and the stride; traced the footsteps of both the man and woman running together to the corner where the dry pit was; there I observed them doubling backwards and forwards, dodging about.

I traced them on to the grass at the corner of the piece by the dry pit, at the right-hand corner; then the footsteps went towards a water pit in the harrowed field; I traced them to that pit on the harrowed ground; they appeared there to be walking; sometimes the woman's feet off, and sometimes on; in one place both off together, and on the grass; traced them down to that water pit; I could trace them no further, the woman's, but the man's I did to the hard road; she was on the grass nearest the pit; appeared walking on together.

I then traced the footsteps of a man the contrary way from the footpath;† appeared running on the harrowed ground; no other footsteps that way; I traced them three parts across the field towards the dry pit; then they turned to the left as I was pursuing the track; then I traced across the footpath and to the gate at the far corner; cross the footpath in the middle of the field, footsteps of a man running quite to the cross corner; no woman's steps; I could trace them no further than to that gate; it was clover; the

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* See D and E in the plan; E was the man's footsteps, D the woman's. It was supposed that Thornton here waited for her, as he knew this was her direct way home.

† See B, supposed to be the route taken after the murder, which was the direct road to Holden's.

footsteps went along no regular road, but it would make a shorter cut.

I went with Joseph Bird with the prisoner's shoes first; took both; they were right and left shoes; and the man's footsteps appeared to be made with right and left shoes; we tried the shoes on the footsteps; we tried them with a dozen footsteps, I suppose, in different parts; those shoes exactly fitted those footsteps on both sides the footway; I have no doubt the footsteps were made by those shoes; we tried them with the footsteps that turned off the footpath, about eight yards from the woman's, and where they were running together, and where the doubling was; in all those parts they agreed; some nails were out of the side of one shoe; we observed two nails; footstep over a bit of a short stick, which threw the foot up; saw mark of two nails; we tried the shoe with that footstep; two prints of the nails in the trace; small nails in the shoe; we could hardly trace them.

Went with Mary Ashford's shoe afterwards with Bird; compared it with the woman's footsteps that turned off the path to the right; and where they appeared running, and where the doubling was, and where walking; the shoes agreed with the footsteps; no doubt the footsteps were made by those shoes; I saw one footstep, appeared to be the foot of a man near the slope; near the edge; none down the slope; it appeared to be the left foot sideways; inclined towards the slope; I did not compare the shoe with that; I saw the bundle by the side of the pit; a pair of shoes and a bonnet; those shoes I compared with the woman's footsteps; where the blood was, was about forty yards off the pit; I saw some nearer, about fourteen yards nearer the pit; I traced it for fourteen yards; a train of blood; across the path on the clover towards the pit where the body was found, no footsteps; about a foot from the foot-path; the dew was on the clover then; it came to drops at last; when it first came to the clover a regular run.

Upon his cross-examination, he said—I began to trace the steps about seven o'clock; about one on the same day it might be, I compared steps with the man's shoes; I covered with boards two tracks of the man's and one of the woman's before the rain; from the depth and strides only I considered them running or walking; one hundred and forty yards from the foot-path to the dry pit; near same length to the other; blood forty yards off the pit was in the same close where the body was found; one footstep close to the declivity; I observed that footstep as soon as I got there first; I did not observe marks of blood in the harrowed field; no footsteps of any sort where I traced the blood fourteen yards; a foot-path by; the track of blood crossed the path, but went in a straight line towards the pit.

JOSEPH BIRD.

I went to the pit; found Lavell there; I accompanied him into the harrowed field to trace the footsteps; took the prisoner's and deceased shoes for comparing them with the footsteps; footsteps of a man on the right going towards the dry pit; farther on from the footpath saw woman's steps to the right; a few yards up they came in contact; went towards the dry pit; they appeared to me

as if two persons had been dodging there; they appeared to me to be the foot-marks of persons running; the length of the strides in one thing; straight in the toe of the woman's as if raised; the man's very deep; the heels very deep, as the appearance of a heavy man running.*

At the corner they went down the hedge side towards the pit at the bottom of the harrowed field; there they seemed to be walking; the strides were shorter, the impressions not so deep; I saw them down to the pit; the woman was sometimes on the grass, sometimes on the ploughed field.

Afterwards traced the footsteps of a man up the field; when near the dry pit went straight across the foot-path to the further corner gate, foot-steps of a man only running; I compared the prisoner's shoes with these last footsteps, they exactly corresponded; both sides the footpath, and compared them with those of the man where he turned out before he joined the woman, and after he had joined her; they all corresponded; I compared them first with the right footstep; right and left shoes; I kneeled down to blow the dirt out and see if any nail marks; I observed two; across the foot near the small, a bit of rotten wood had the outside of the right side a little up; the impression of that side not so deep as the other; I observed two nail-marks on that side; nailed round the toe; then a space; then nailed again on the outside; the two first nearest the toe after passing the space; I marked the first nail mark; kneeled down; it exactly corresponded with the shoe; I saw at the same time the second corresponded; it may be half an inch between. I compared the woman's shoes, they exactly corresponded,—in different places; corresponded in every instance exactly, where the running was; leather of the shoe was rather raised in places by being wet; they corresponded; the shoes were not exactly there alike; the impressions varied accordingly; I applied the shoes to the impressions both of the man and woman; I have no doubt the impressions were made by those shoes; we made these examinations on the 27th; the man's about one o'clock, the woman's about ten or eleven same day.

JOSEPH WEBSTER.

I live at Penn's; the mills belong to me; saw the body when just brought to the edge of the water; I observed a considerable quantity of blood forty yards off the pit; a round space of blood as much as I could cover with my extended hand; the impression of a human figure on the grass on that spot; the arms and legs appeared to have been extended quite out; a very small quantity of blood was about the centre of the human figure, and the other at the feet; I observed what I considered to be the mark of knees, toes, and large shoes; I judge them to be marks made by the same person; the lake of blood was much coagulated; that was the part at the feet; I traced the blood for ten yards from that spot towards the pit.† By the stile farther from the pit, in a continu-

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* Thornton was a stout athletic man.

† It was the impression on the spot that the girl fainted during

ance of the footpath, an impression as if one person had sat down on the other side of the stile, just in the next field, the other way from the harrowed field; I returned in about an hour.

In the harrowed field I perceived the traces of a man and woman's foot; Bird shewed them me; I sent for the woman's shoes and compared them with the marks; they perfectly corresponded; not a doubt they were made by those shoes; they were stained with blood outside the shoe, but inside the foot; afterwards I went to Lavell's to examine the body; the spencer was taken off, and there was on each arm what appeared to me the grasp of a man's hand; I went to Mrs. Butler's on the morning of the 27th to examine her (Mrs. Butler's) clock; I compared it with my watch; her's was forty-one minutes faster than mine; I saw the clothes on the body when taken out of the water; the hind part, the seat of the gown, in a very dirty state; blood was on the gown.

FANNY LAVELL.

Body of the deceased was brought to my house; I undressed her; no blood on the black stockings; only one thin petticoat—dimity; no flannel on, so that the blood on it would easily communicate to the rest of the dress.

THOMAS DALE.

This was the bundle of things delivered to me; spencer appears quite clean; a good deal of blood about this gown; stockings bloody almost all the way;* she had no cloth on, or preparation for the state she was in.

MARY SMITH.

I assisted in examining the body, about half past ten that morning; the body was not cold; marks of fingers appeared on each arm. I examined the lower parts of her body, they were in a very bloody state; whether it was a monthly evacuation or blood from violence, I cannot tell; she had no cloth on.

The examination before Mr. Bedford the magistrate was then read.

At Tyburn, in the parish of Aston, in the county of Warwick, the 27th of May, 1817.

The voluntary examination of Abraham Thornton, of Castle Bromwich,—that he is a bricklayer; that he came to the Three Tuns at Tyburn, about six o'clock last night, where there was a dance; that he danced a dance or two with the landlord's daugh-

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the violation, and that the violator, alarmed for his safety and unwilling to run away or expose her and himself in that state, carried her in his arms and threw her into the pond. The traces of blood without his footsteps were adduced as proof.

* Hence it appears that the dancing had accelerated the menses, and in this state she was not likely to yield to the wishes of her violator, whose passions were nevertheless so far excited that he afterwards way-laid her.

ter, but whether he danced with Mary Ashford or not he cannot recollect. Stayed till about twelve o'clock; and then went with Mary Ashford, Benjamin Carter, and a young woman; that they walked together as far as Potter's; Carter and the housekeeper went on towards Erdington. He and Mary Ashford went on as far as Freeman's; they then turned to the right, and went along a lane till they came to a gate and stile, on the right hand side of the road; they then went over the stile, and into the next piece, along the foot-road; they continued along the foot-road four or five fields, but cannot exactly tell how many. He and Mary Ashford then returned the same road; when they came to the gate and stile they first got over, they stood there ten minutes or a quarter of an hour, talking; it might be then about three o'clock; whilst they stood there a man came by. He and Mary Ashford stayed at the stile a quarter of an hour afterwards; they then went straight up to Freeman's again, crossed the road, and went on towards Erdington, till he came to a grass field on the right hand side the road, within about one hundred yards of Greensall's; Mary Ashford walked on, and he never saw her after; she was nearly opposite to Greensall's. Whilst he was in the field, he saw a man cross the road for James's, but he did not know who he was; he then went on for Erdington workhouse to see if he could find Mary Ashford; he stopped upon the green five minutes to wait for her; it was four o'clock, or ten minutes after four o'clock. He went by Shipley's on his road home; and afterwards by Holden's, where he saw a man and woman with some milk cans, and a young man driving some cows out of a field. He then went towards Twamley's mill, where he saw Mr. Rotton's keeper taking rubbish out of the nets at the flood-gates; he asked the man what o'clock it was? he answered, near five o'clock, or five; Twamley's mill is about a mile and a quarter from his father's house, with whom he lives. The first person he saw was Edward Leake, a servant of his father's, and a boy; that his mother was up. He took off a black coat he had on, and put on the one he now wears, which hung up in the kitchen, and changed his hat, and left them both in the house; he did not change his shoes or stockings, though his shoes were rather wet, from having walked across the meadows. That he knew Mary Ashford when she lived at the Swan, at Erdington, but not particularly intimate with her; that he had not seen Mary Ashford for a considerable time before he met her at Tyburn. He had been drinking the whole evening, but not so much as to be intoxicated.

THOMAS DALE,

Assistant constable of Birmingham; after the examination was taken by the magistrate, I went up stairs with the prisoner to examine his person; he unbuttoned his breeches; shirt, and flap of his breeches, both bloody; he owned he had had connexion with the girl by her consent, but he knew nothing about the murder.

JOSEPH COOKE.

Was at the dance at Tyburn, saw the prisoner there; saw the deceased there. He (the prisoner) asked Cotterell who she was?

he (Cotterell) said Ashford's daughter. He (the prisoner) said he knew her sister very well; he said he had had connexion with her sister, and he would with her or die by it.

DANIEL CLARKE.

I keep the Tyburn-house, (where the dance was); next morning I went to Castle Bromwich; I found the prisoner on the turnpike road on a poney. I asked him what became of the young woman who went with him from my house last night? He made no answer, and I told him she was murdered, and thrown into a pit. Prisoner said, murdered! I said, yes, murdered. Prisoner said immediately, I was with her till four o'clock this morning. I asked him to come along with me to clear himself; he went with me to my house, better than a mile; he said, he could soon clear himself; he said nothing more about this; we were talking about farming, and the like. He went into the room, and had something to eat and drink; he might remain there half an hour. I did not offer to discourse about it afterwards, and yet I was very much shocked. I did not know that the prisoner had been with her till four in the morning till he told me. I thought he appeared a little confused when I first put the question to him.

GEORGE FREER, Surgeon.

I examined the body; between the thighs, and the lower part of the legs, was a great deal of blood; the parts of generation were lacerated and a quantity of coagulated blood was about those parts; I proceeded to open the body, and found the parts of generation lacerated; some coagulated blood about them; and she had the menses upon her. I then opened the stomach, and found in it a portion of duck-weed, and about half pint of a thin fluid, apparently chiefly water. In my judgment she died from drowning. Two lacerations, quite fresh; I was perfectly convinced, till those lacerations, she was a virgin; some coagulated blood adhered to them. I saw the coagulated blood on the ground; the menses do not produce such blood as that; that coagulated blood proceeded from the lacerations; the lacerations were from the sexual intercourse. There were no lacerations but what might, or might not, arise from sexual intercourse with a virgin, with consent and without violence. It is very evident that the menses came on at an unexpected moment by her; it may increase a little for a day or two; may be less at first, and increase in an hour or two; it might become extremely copious and troublesome. Dancing was likely to increase it. A robust, fine young person. An unusual quantity of blood independently of the menses.

Evidence on the part of the prisoner.

WILLIAM JENNINGS.

I am a milkman; live in Birmingham; I get my milk from Holden's; I and my wife were at his house on Tuesday morning, 27th May, in Erdington. I did not know Thornton before I saw him coming down the lane leading from Erdington, going towards Holden's, as if from Erdington-way; this was *about half past four*, as near as I could judge, having no watch; we had milked nearly a cow, after I had seen him, and before I asked Jane Eaton what

o'clock it was; it might be ten minutes; he was walking leisurely; no appearance of warmth or heat about him.*

MARTHA JENNINGS.

I was with my husband by Holden's. I saw the prisoner pass; I did not know him before; he was coming gently along, about *half past four*. Afterwards I enquired of Jane Eaton the time in the morning. We waited till Holden brought the cows into their yard, and milked a cow; a quarter of an hour, I think, might pass.

JANE EATON.

I lived at Holden's, Tuesday, 27th May; I got up about half past four; I could see from the window of my room up the lane towards Erdington, but not far; I saw a man in the lane walking towards Castle Bromwich from Erdington, walking quite slow; some time after that, about a quarter of an hour, Jennings and his wife came to ask me what o'clock; I looked at my master's clock, it wanted ten minutes of five by it; it was not altered for some days after that.

JOHN HOLDEN.

I live with my father; my mother was ill in bed on the 27th May; remember Jennings and his wife being there on that day; know the prisoner; had been down for the cows; in returning, met the prisoner about two hundred yards from the house, after he had passed it.

JOHN HAYDEN,

Gamekeeper to Mr. Rotton, of Castle Bromwich; I went from my own house ten minutes before five on the 27th May; I heard Rotton's stable clock strike five; in about five minutes I saw the prisoner; he was coming towards Twamley's Mill; he was coming as from Erdington, towards Castle Bromwich; I knew him; I asked him where he had been; he said he had been to take a wench home; he staid with me ten minutes or a quarter of an hour.

JAMES WHITE.

I saw the prisoner at Castle Bromwich, at Wheelwright's bank; better than half a mile from Zachary Twamley's mill; and from there to his (the prisoner's) father's house was better than half a mile; twenty minutes past five by the chapel clock.

The learned judge, says Mr. Holroyd, then proceeded to sum up.—His lordship's observations, (together with a very full recapitulation of the whole of the evidence,) besides reminding the jury of the importance of the duty of wholly dismissing from their minds every thing they had heard upon the subject

* The reports on the spot described him as bursting through the hedge, and soaked with dew from the grass, and leaves, and that his irruption was so sudden that he frightened one of the cows.

previous to the trial, and every prejudice that their minds might have thereby conceived against the prisoner, and of considering the case only upon the evidence which had been laid before them, were such as to point the attention of the jury, particularly to (amongst other things) the fact that Thornton had parted from Mary Ashford previous to her return to Mrs. Butler's, that there was no direct proof that he ever rejoined her, nor any proof whatever that he did so, unless so far as it could be collected from the other circumstances of the case;—to the materiality of the question, at what time did the connexion take place? whether in the *night time* before, or in the *day light* after her return to Mrs. Butler's; and with reference to that point, to the consideration not only of the suspicious circumstances against the prisoner, but also of the condition of the dancing dress, more especially the white silk stockings of the deceased, which she had put off at Mrs. Butler's, contrasted with the state of her black stockings, which she there put on, and in which she was when drowned;—to the evidence of the surgeon;—to the circumstances of the case as the jury should consider them to have been established in proof against the prisoner, independently of the proof of the alibi, and again with reference to that proof of the alibi,—and to the impression which it should have made on their minds as to the truth or falsehood of the facts sworn to by the witnesses brought to prove alibi, or as to those witnesses misrepresenting or being mistaken, or not, in the day, or time, to which they respectively spoke.

The jury, after a short consultation, returned a verdict of *Not Guilty*.

Mr. Holroyd, the judge's son, introduces observations to render it probable that the girl was drowned by accident! His words are these:—

"It is impossible, however, that she did so upon reflecting on the consequence of what had passed. If this were so, however much the event were to be deplored, still the acquittal of Thornton of the murder was right, though he would in such case remain exposed to the vengeance of an offended God. But although her probable self destruction cannot be urged as a ground for the

acquittal of Thornton, yet another conjecture as to the cause of her death is worthy of consideration, arising from the placing of the bundle on the pit bank, close to the footpath side, in her way home to her uncle's, and from the taking off of her shoes. In the bundle were her half boots, the only part of her daily dress she had not resumed. One of her dancing shoes, with which she was returning home, upon her feet, being all blood, and the other bloody, who can say whether, startled with observing as she walked, that blood upon it which would be visible to persons meeting her on the road, and to her uncle on her return home, she might not have put down her bundle, and taken off her shoes and bonnet, in order to take out and put on her half boots instead of her bloody shoes? And what is more probable than that she should do so? If that was the fact, when the exhaustion and fatigue she had just gone through in her walk (twelve or thirteen miles) to Birmingham and back the day before, her dancing at night, her want of sleep and rest afterwards, the circumstances attending the connexion that had taken place between her and Thornton, her loss of blood, and want of nourishment, for none was on her stomach when her body was opened, what is more probable then that in sleeping or turning to take out her half boots, in order to put them on, on the top of a bank of a very sloping pit side, when the surface of the water was so much as four yards below the pit bank, she should by an inadvertent step backward, or otherwise, slip in, or should turn faint and giddy and so tumble in."

The evidence is followed by other pleadings in defence of the prisoner, and various imputations are made against a virtuous girl, who had the highest character from all who knew her. Mr. Holroyd concludes that as she had the menses before her return to Cox, she had been violated previously, though the race in the field, and the traces of blood, proved directly the contrary; for the traces of blood from the place of violation to the pit could have arisen only while she was carried from one place to the other, and if she had tumbled thus into the pit, or been violated on that spot before her return to Cox, the blood would not have been traceable from the spot to the pit; where even a mark of Thornton's footstep was discovered! That Thornton was the violater too is evident from his own admission, from his wicked previous threat, and from his bloody linen. No hypothesis of his innocency is therefore tenable, except some other person violated the girl in the clover field after Thornton, a supposition never insisted on. At the same time, a judge cannot be too much commended who hesitates to admit circumstantial evidence; but in this

case the circumstances corroborated one another throughout; and it would have been more candid to admit an error on the side of humanity to an accused party, than to persist in a justification, and in the crimination of the suffering parties. We think that justice was baffled in every stage of the proceedings; but, at the same time, we are far from being disposed to quarrel with an exertion in favour of mercy in quarters where it is a rare virtue, especially as we are fully persuaded that the best intentions always actuate the judge who tries the cause.

According to the ancient law the brother of Mary Ashford appealed Thornton for the murder of his sister, with a view to bring him to a second trial. On this appeal Thornton was again taken into custody and removed to London, that he might personally appear in the King's Bench to answer the process at the suit of Ashford's brother. But it appeared that by the same ancient law Thornton was competent to repel the appeal by a wager of battle; and, in consequence, to the astonishment of the civilized world, Thornton threw down his glove as a challenge to the appellant. The case was solemnly argued for several days by the counsel of the parties before the judges, who decided that the right of defence by this mode was coeval with that of prosecution by appeal. As therefore young Ashford was a stripling, and Thornton an athletic man, he declined the combat, and the appeal, in consequence, not being allowed to be sustained, no second trial could be had. The Attorney-general afterwards brought in a bill to repeal the process by appeal, in order to remove from our jurisprudence the scandal of such a defence as that which was adopted in this case.

JOHN NUTTALL,
FOR THE MURDER OF ANN WHITE.
At Lancaster, Sept. 4, 1817.

THE prisoner, aged twenty, stood charged with the murder of Ann White, at Newchurch, on the 22d day of June.

Alice White. I am the sister of the deceased Ann White. We both lived with our father at Sunnyfield, in Rossington. She was more than twenty-three years of age. The prisoner lived at Harvestthills, five minutes' walk from my father's. He lived with his father: he had brothers. I occasionally saw the prisoner at my father's; he came several times. It was to see my sister, because he was her sweetheart. He was coming about half a year before this happened. She was with child. He usually came every Saturday night, between eleven and twelve, and sometimes past twelve. I went to bed that night between nine and ten. My sister was dressing to be ready for her sweetheart. I left Martha and another sister up. I awoke at three o'clock. My sister Ann was not in bed. I looked down stairs into the house part, and did not see my sister. I inquired of my mother about my sister. I went out; my mother followed me; it was a fine morning. I saw a bed-gown and part of a petticoat in the well. The petticoat was blue. I could see it out at the top of the water. We supposed them to be my sister's. My sister was brought in at seven. She was dead. She seemed to be in good spirits and in good health when I went to bed. My sister was far gone with child. She was uneasy, and very desirous to be married. She was sometimes very low in spirits about that, when she thought she was not to be married. The longer it was put off, the lower in spirits she appeared.

John Hayworth. I went to the well. It is about four feet long; there was a stone in the middle, on edge, about a foot high. There was water on each side, six inches and a quarter of water on the one side: where the head was it was a foot and a half deep. She lay upon her face. I examined her neck; in front, on each side, was the mark of a finger and a thumb, and on the back part as of a whole hand. Her face and lips were very blue. Above each elbow, on each arm, there was a mark as if they had been squeezed. Her face was a little swollen, but not much. I perceived no blood. It appeared to me that there had been some struggling, by the marks of the iron clogs. Her clothes were straight, and not the least disturbed. It was not probable that any grown person should be drowned there by accident.

Mr. Joseph Lees, surgeon. There were bruises on the forehead, nose, chin, and knees: the right elbow was bruised, and had bled a little. The arms above the elbows appeared to have been tied, or held by some soft or equal substance. They must have been pressed with great violence, as the marks were very black, not deep. On the arms, below the elbows, there were marks of fingers. On the left arm there was a bruise, as from a kick. On the neck there were the marks of four nails; there was one under the right ear, and another under the left jaw. They had penetrated very deep, and were very distinct. Connected with the nail marks there were marks of fingers very distinct. There was a wound between the shoulders, which seemed inflicted with some heavy substance. I opened the head: there was an effusion of blood upon the brain. The *dura mater* was turgid and highly distended. The vessels of the *pia mater* were in many places rup-

tured. The blood-vessels were of a livid colour. The lungs were shrunk or collapsed; there was no water in them. I never saw an instance of suffocation by drowning without water in the lungs. There was no water in the stomach. There was a great accumulation of blood about the heart and in the whole of the veinous system. The cause of her death appeared to be the constriction of the wind-pipe and vessels of the neck.

Cross-examined.—I have been in practice for myself five years. Suffocation and strangulation are very similar in their appearances; but in drowning there is a difference. I think it impossible that a person should be drowned, and no water found in the lungs. A person would not drown, though the body were elevated above the head, without inspiration, and water flows into the lungs of course. I have known a case of a person drowned by accident in a brook four inches deep, and there was water in the lungs.

James Ashbrook. I live at a distance of two or three hundred yards from the prisoner. On the second or third of April I was ditching, the prisoner was with me. I asked him if he was going to Boccup fair. He said, "Nay, I must be saving some money." I said, "What are you lads doing with these lasses at Sunnyfield?" (meaning Ann and Betty White.) He said, "Have you any money?" "Yes." "Wilt lend me some?" "Yes, what art to do with it?" "There is such a thing as causing a child to be born?" "I don't know." He groped his fist and struck the ground, and said, "I'll be d——d if I don't kill her then."

John Knowles (a prisoner, not yet tried, upon a charge of felony.) The prisoner was here two days before me. He said he was charged with the murder of Ann White, his sweetheart: He said her father had murdered her himself. I was coming down from a neighbour's house, and saw the father carrying her under his arm: she said, "You devil," and her father flung her into the well. I went home and went to bed. Next morning my father told me she was dead. Next morning he asked me to go into the yard, and said, "John, I am very uneasy," and said, that that night he had come from his companion's house, and went to the back window and rapped at it, and Ann White came out into the barn fold: nobody could hear her, her father and mother were too far off to hear her; he began to say to her, that some of his companions had said the child was not his: they had some words about it. She asked if he would not marry her. He told her he had given money to one of his companions to have the askings put up. They had then some words, and he beat her, and knocked her down with some weapon which he did not know. He was in such a rage that his passion destroyed her. He throttled her till she was dead, and then took her up and flung her into the well, that he might be safe, people thinking that she had drowned herself. He went then home, and went to bed.

The judge said, the proof of the prisoner being the person who had committed the undoubted murder rested entirely on the evidence of Knowles. The jury brought in a verdict of *Guilty*.

On the Saturday following his conviction, Nuttall was executed, and previous to his suspension, confessed his guilt.

THE ASHCROFTS, AND HOLDEN,

FOR THE MURDER OF

MARGARET MARSDEN AND HANNAH PARTINGTON.

At the Lancaster assizes, September 5, 1817, James Ashcroft, the elder, aged 53, David Ashcroft, (his brother) aged 40, James Ashcroft the younger, aged 32, William Holden, aged 47, and John Robinson, aged 35, were charged with the murder of Margaret Marsden and Hannah Partington, in the dwelling-house of Thomas Littlewood, at Pendleton, near Manchester, on the 26th day of April previous, and pleaded *Not Guilty*.

Mr. Cross, in a speech of great force and pathos, opened the case; and thus proceeded to describe the ground and the intended evidence:—

Thomas Littlewood had a house in Pendleton, on the side nearest Manchester, and on the west side of the road leading into Manchester from Lancaster. It fronts to the south. Its east gable is towards the turnpike-road, and has two windows in it. It is some distance from the road. As you approach it from the road you first pass a piece of waste ground, you enter then an iron gate, you go along a gravel path, pass along the front of the house, and by the kitchen window, which is in the south west corner of the front; you then enter into a yard at the west end of the house. In one corner of the yard there is a pump, and in the diagonally opposite corner is a lobby leading into the north west corner of the house. A yard within the entrance of this lobby is the door into the house. In the kitchen there is but one window to the south, and the shutters leave the whole of the lower panes uncovered; the dresser is under the window, the fire is on the east side.

Immediately behind the house is a burying ground, and in the burying ground a chapel. On the other side

the burying ground runs a path from the road, parallel with the gravel path in front of the house. Considerably in front of the house is Mr. Watkins's, the quaker's house, from whose windows a full view of the front of Mr. Littlewood's might be obtained. Going now eastward from the house, and passing along the gravel walk, out at the iron gate, through the waste piece of ground into the road, you have Pendleton lies on left, and Manchester on the right; before you is a field through which a cart road passes, and of importance in this trial, known as the Three-nooked Field; it is considerably off the road, and rather rises on approaching it from the road: the path rises also on approaching Littlewood's house, so that the Three-nooked Field commands a full view of Littlewood's house and premises, about a quarter of a mile distant. Proceeding to Manchester, you come to the two mile-stone, almost opposite to Littlewood's A few yards further on, is the Black Horse public-house on the right, and at the one mile-stone, the Horse Shoe also on the right.

The four prisoners, on the evening of Friday the 25th of April, met together in a public-house in Manchester, not drinking and making merry, but engaged in cool, deliberate, serious, important consultation. You will find them on the next day, the fatal day, walking backwards and forwards near Mr. Littlewood's house, sometimes together, sometimes separate, on the public road, and in the private path. Holden was seen in the kitchen between one and two o'clock. The young woman that saw him will swear to him. At two o'clock another young woman saw the kitchen window shut, when the murder must have been committed. About three, young James Ashcroft, David Ashcroft, and Holden, were seen coming out at the iron gate with bundles in their hands. They will be sworn to. They were again seen in the Black Horse, and at the Horse Shoe. In the evening young Ashcroft was seen on a play-ground, flushed probably with intoxication, displaying a bundle of notes and handfuls of gold. But here I must state the deeds perpetrated within the house. The family consisted of Mr. and Mrs. Littlewood, Mrs. Marsden, an ancient lady long

in the family, and, what is of importance, long before well known to the Ashcrofts, and a beautiful young girl, the unfortunate Hannah Partington. Mr. Littlewood had a grocer's shop in Manchester, to which he and his wife regularly went every Saturday morning, when there is always a market in Manchester. They did so on Saturday, the 26th, and left Mrs. Marsden and Hannah Partington in the house. Mr. Littlewood had a considerable sum of money in the house, which he kept in a drawer that he never locked. In this sum there were nineteen guineas in gold. All the money was taken away. The display of property, therefore, made by young Ashcroft is pregnant with suspicion, especially when you will find it proved that he could not pay two shillings the day before. But old Ashcroft is still untouched. He is seen deliberating and walking with the rest, but he is not connected with Littlewood's house. This man, then, confined in the same cell with one charged with felony, but proved fully innocent, held frequent conversations on the subject with his fellow prisoner, and with that impatience to unload a guilty conscience which criminals feel, and which prompts them to make disclosures, however foul the deed, or fatal the secret to their associates, he related to him that he kept watch in the Three-nooked Field, while the others executed the atrocious act of murder. This disclosure will now be verified to you upon oath, when the real character of the witness will be fully made known to you.

These circumstances will derive confirmation from the contradictory confessions of the prisoners, and the anxiety of Holden to conceal the shirt he had on. It must be admitted that the property had not been traced. There were no marks on the notes or the gold. Only a seven-shilling piece was taken away, and a seven-shilling piece was found on one of the prisoners. Neither is any mark of blood found upon their clothes. The evidence consists of the circumstances I have detailed; and if they satisfy your minds that the prisoners are guilty, you will of course find your verdict accordingly.

Seven or eight witnesses proved that the accused

were at Pindleton at the time of the murders, and loitering about the adjoining roads and fields, and one proved that young James could not that day pay him more than one shilling out of three which he owed him.

Mary Hallows. I went that day to Littlewood's pump. I came across the road, in at the iron gate, along by the front of the house, and into the yard to the pump. It was between one and two. I looked in at the window as I passed by the front of the house. I saw two in the kitchen, Mrs. Marsden with her back towards the window, sitting between the window and the fire; the other person, a man, sitting with his face towards the window. I had a clear view of him. In the yard I saw the young woman Hannah Partington. I had some conversation with her. I went on the Monday into Littlewood's parlour for the purpose of looking if I could know the man. There were more than ten men in the room. I looked, and immediately knew him. It was William Holden. Before I spoke, he said, "You are wrong, young woman." I said, I believe that to be the man I saw in the kitchen. I have no doubt at all that he is the man. I looked particularly at him as I passed the window. I could hardly get past, he looked so earnestly at me. He spoke before I spoke, but not before I had fixed my eye upon him. He was placed in the same situation in the kitchen, and I looked at him through the window, on the Monday.

Harriet Towel. I went to Littlewood's about half-past four to see the young woman, Hannah Partington. The shutters of the kitchen window were nearly closed. I saw the old woman sitting on a chair at the end of the dresser. Her head was down towards her knees. I observed the dresser sprinkled over with blood. I went off immediately, and returned again at seven, when I looked through the window, and saw Mrs. Marsden in the same position. I then gave the alarm.

Mr. Thomas Littlewood. My house is in Pendleton. I have a grocer's shop in Salford. My family consisted of myself, my wife, Mrs. Marsden, in her 75th year, and Hannah Partington, in her 20th year. It was my custom to go, together with my wife, to the shop every market day. We went on the 26th, about nine in the morning, and returned in the evening at eight. I had left about 160l. 140l. in notes, and nineteen guineas in gold, half a guinea, and a seven-shilling piece. We left the money in a drawer where we slept. The drawer was not locked. I saw the money at seven in the morning. There was plate in the kitchen. I heard of the alarm as I came to the iron gate. Some went in before. I went straight into the kitchen; Mrs. Marsden was sitting in the chair she always occupied; Hannah Partington was lying under the dresser with her knees bent towards her head; they were quite dead and cold; the kitchen was covered with blood; the poker was bent and very bloody; the cleaver, which was always hung in the kitchen, I found in their bed room, with a little blood on it; the money was all gone; the notes were one-pound and two-pound of the bank of England; out of the same drawer were taken shirts and silk handkerchiefs; from other

drawers in the same chest were taken shawls and articles belonging to my wife: all which could be put into two or three small bundles.

Mr. Olier. I am a surgeon in Manchester, and have a house near Littlewood's. I examined the bodies on the Sunday morning. I found Mrs. Marsden's forehead fractured, and driven into the brain. It was very likely to have been done by this poker. The young woman's skull was driven into her brain. There were incised wounds on her neck and several parts of her head. Her ear was cut through.

Ely Dyson. On the 26th, passing near Littlewood's, I saw three men in the centre of the yard gate. They looked as if they were conversing together. They came down by the great walk in front of the house to the iron gate. As I was passing on the road, one of them came out at the iron gate. I looked earnestly at him, because he looked very earnestly at me. That is the person, the third person from me (young James). He had a bundle in a light coloured handkerchief hanging on his right hand. I saw that another was coming up to the gate, with a bundle in a dark handkerchief in his left hand, a little larger than the other. He was close to the gate. He had on a green coat. The fourth man from me (David) is the man. The third was nearer Littlewood's. I did not see whether he had a bundle. I have not the perfect knowledge of him; but to the best of my knowledge, the second man (Holden) is him.

Mary Longworth. I saw David Ashcroft outside the iron gate. He had on a green coat. He was about two yards from the gate. He had a green bundle under his arm. We dine at twelve. I think it was three hours after dinner. I saw him on Monday again. I am sure that I knew him, and that he is the man.

Elizabeth Williams. I am a servant at the Black Horse, going to Manchester. On the 26th I saw David Ashcroft at our house. There were three of them altogether. I don't know the others. It was about half-past four. The two men left first, and left David behind.

Two witnesses proved that two of the prisoners made a display of much money the same evening.

Joseph Nadin. On the 27th I apprehended all of them, David and young James first in St. George's road. On James's person I found a Bank of England pound note, five shillings, and a seven-shilling piece. On David I found seven guineas and a half in gold, and five one pound notes. In the evening I apprehended old James in his own house in Silk-street. I then took Holden in the street, and found two notes (Bank of England), one guinea, and nineteen shillings and six-pence in silver. He said he had not been at Pendleton.

On Monday, David and Holden were brought to Littlewood's. Holden turned away his head from the bodies till I held him to them. David looked at them. I took them then to the parlour. They were there with several others, and their irons off, when Mary Hallows came and saw them, and pointed out Holden. I asked if he still persisted in saying that he was not at Pendleton on Saturday. He said, "I do." David said, "Nay, thou knowest thou

shaved opposite the pole." He answered, "Yes, but I did not like to bring myself into a scrape."

William Collins. I was confined in the lock-up. On Sunday night I saw old James. He was in the same cell with me the first night. Sometimes there were other prisoners with us. At other times we were alone. He was taken out to be examined two or three times a day. I told him my case, and he told me his. One day as he came back I said, "How are you going on now;" He said, he was in very poor heart, for they brought fresh witnesses against him every time. I told him if he was not guilty he had no occasion to be afraid of any witnesses. I said, if you are guilty you are as sure to be hanged as you are a man. He said, "It would go better with him, but he understood they could not find Holden's shirt." We were together an hour or two either on Tuesday or Wednesday night. He said that night, it was very doubtful but that they would all be hanged. This was a different time the same day. He said that there was himself and his son, and his brother David, and Holden, who agreed to the murder, and to rob Mr. Littlewood's house. He said, "that himself and his son and Holden went, but when they got near Mr. Littlewood's house they saw some person, and they were afraid to go in; that he went to a butcher's shop for a little pith to rub his corns; then they passed the Hare and Hounds, and turned back again: they went down to see a raven kept there by a gentleman, and then came back again; after they had passed Littlewood's a third time, Holden went into a barber's shop to shave himself. They went to buy some cheese and bread, and then to a public-house, where they had some beer:" "I then," said old James, "went down a lane into a field, near Mr. Weston's manufactory, and sat under a hedge in that field; I saw my son James and Holden go into Littlewood's: I was behind that hedge for a signal for them at the window; if I saw any body go towards Mr. Littlewood's house, I was to lay my hat on the thorn that I sat under, as a signal; I never saw any body, and never lay my hat on the hedge; after seeing them come out, I went towards them."

James Bendekin. James Ashcroft came into my master's shop between one and two, for a bit of pith to rub his corns.

Alice Robinson. I saw Holden and David the day this happened, about one. Holden was shaved then by me.

Here the case for the prosecution closed, and the prisoners severally addressed the court in the following manner.

James Ashcroft the elder. It was as impossible for me to do it as to pull the sun from the firmament. I never saw the women in my life to my knowledge.

David Ashcroft. I am as innocent as the child unborn, and never heard of it till I was taken up.

James Ashcroft the younger. I never saw the women till I saw them dead. I could not tell whether Mrs. Marsden was man or woman. I kissed the innocent lips of Hannah Par-

tington, and said, I would meet her in heaven with a clear conscience; and so I will, my lord, blessed be God.

William Holden. I am as innocent as the child unborn.

James Ashcroft the younger now wished to speak again, but merely repeated his former assertion.

The following witnesses for the defence were then called:—

Adam Halwell. I am a weaver, but have been a carter. I took up Collins. He told me he had been in the lock-up with one of them. I asked him what he thought of it. He told me they were as innocent as a child unborn, as far as he could learn.

Robert Deaken. I live in Manchester. I only know I saw young James at the White Hart, in Tassel-street, on the Thursday before the murder. I saw him pull his pocket-book out. He had a bundle of notes in it. I saw him after that pull eight or nine guineas out of his pocket. He took out his money to bet with.

Margaret Mellor. I saw the three Ashcrofts as I was returning to Pendleton, on the foot-path going towards Manchester.

Margaret Worthington. I know Holden. I saw him in the afternoon of that Saturday, about half-past three, in Tib-street, in Manchester. He asked me to go to take a cup of ale, and he was walking slowly.

The *Chief Baron* summed up the evidence in a very luminous address of more than an hour and a half. Towards the conclusion of it, David Ashcroft begged to be allowed to say something further. The Chief Baron said it was quite irregular, but he would certainly indulge him. He then threw out many incoherent charges against the evidence for the prosecution, and begged to have Mr. Wright, a magistrate, and Mr. Witherton, a constable, examined, to contradict Mary Hallows.

The *Judge* said he would allow it, but insisted that Mr. Williams, the counsel for the Ashcrofts, and Mr. Starkie, the counsel for Holden, should be sent for.

After a considerable interval Mr. Williams appeared without wig or gown, and after he had conversed for some time with his lordship and with the prisoners, David Ashcroft said he would leave the case as it was to God Almighty, who he hoped would direct his lordship and this jury to do justice.

James Ashcroft, the elder, then ejaculated—O! may God, by his holy spirit, inspire the jury to perceive the truth, and to give a true verdict, for we are all innocent of this murder.

The *Chief Baron.*—I'll listen to any thing for which you can offer evidence; but you must not be allowed to make speeches of that kind. His lordship then concluded by a very impartial and solemn peroration.

The Jury in two minutes returned their verdict. James Ashcroft, the elder, David Ashcroft, James Ashcroft, the younger, and William Holden—*Guilty*, John Robinson—*Not Guilty.*

James Ashcroft, the elder. This is murdering us in cold blood. God will reveal this injustice. I pray earnestly that he would now send two angels to declare upon that table who committed this murder. We are innocent, and I will declare so to the last.

David Ashcroft invoked God, and protested his innocence in the same manner.

James Ashcroft, the younger. If I must suffer death for a crime I never committed, I implore your honour to look in mercy on my poor wife and children. (Here a tremendous shriek burst from a female in the crowd, who, it was found, was his unfortunate wife.)

William Holden. Silence, silence! (flinging one arm towards heaven and the other towards his earthly judge)—There is a God yonder who knows that we are innocent, and who will make amends for this.

The awful sentence of death was then pronounced. They were ordered for execution on the Monday following, and the judge declared, that no sensible person who had heard the evidence, could have a doubt of their guilt.

The moment sentence was pronounced, *James Ashcroft, the elder,* waved his right hand, with a white bundle in it, over his head, and exclaimed aloud, "Glory to God."

David Ashcroft said he hoped God would not allow the injustice done to them to be always unknown.

James Ashcroft, the younger, said he should meet a higher judge with a conscience clear of this guilt.

William Holden vociferated in a wild tone, "There is Mr. Nadin, and there is Mr. Fox (attorney for the prosecution), and before they leave the earth, God will punish them."

After their condemnation they still persisted in asserting their innocence.

On the 8th of September, pursuant to sentence, they were led to the fatal scaffold. *William Holden* turned round to the immense multitude of spectators, and, with a firm and loud voice, said, "I am innocent of the crime for which I am to suffer as a child unborn. May God take away all my sins as I am innocent of this murder."

David Ashcroft spoke to this effect, "I am glad to see so many persons now looking on, as I testify to them that we are all ignorant of this crime. I do protest to you all, before God, that we are all innocent. Every one that now sees me is as guilty as I am. I would not say so if we had any connexion in any way with the concern; but I declare before God that we are perfectly innocent, for which I bless God. My prayer to God is, that all our persecutors may be forgiven. May God bless the town of Manchester. I know that many thirsted for our blood, but they have sorer hearts than we have. We forgive them, and may God give his holy spirit to the town of Manchester. I pray earnestly that we may be the last innocent persons to suffer from this castle. May God find out the true murderers, and may you see them suffer in this place, and hear the confession of their guilt. I am now, I trust, going to glory, and I would not, for the whole world, die with a lie in my mouth. We are all innocent."

Here *Holden* exclaimed "I can answer only for myself. I am innocent."

James Ashcroft, the younger, who had in the mean time been brought out, and on whom the cap and rope had been put, cried out, "We are all innocent."

David Ashcroft continued, "And now may the grace of God be with you all, now and for ever, Amen." The cap was now put on his face, and the rope was tied round his neck.

James Ashcroft, the elder, a tall, thin, grey-headed man, came out last; when in front of his son, he kissed him with much earnestness, then took his station by his side, but said not a word.

They were all pinioned at the wrists and elbows. They joined the clergyman afterwards in repeating the Lord's Prayer aloud. David Ashcroft continued pray-

ing.---"Lord take away my sins and save my soul for the merits of Jesus Christ." *Holden* repeated the same expression. All four then began to sing, *David Ashcroft* repeating line after line as they sung:

I'll praise my maker with my breath;
And, when my voice is lost in death,
My days of praise shall ne'er be past,
While life and thought and——

when the drop fell, and they all swung round in the same direction.

James Ashcroft, the elder, had formerly been in the methodist connexion. His character was that of a fanatic, and he was fully persuaded that his faith was such that he could work miracles, and that having once attained the perfection of grace, he never could fall. He once, to illustrate this doctrine of faith, thrust his hand and arm into the fire to show that it would not burn, but he was dreadfully scorched.

CHARLES RENNETT,

FOR THE ABDUCTION OF MR. HORSLEY'S INFANT SON, April 26th, 1818.

Mr. and Mrs. Horsley, the parents, were persons of property and respectability, residing at Islington. They had three young children, of whom Joseph Charles Horsley, the victim of Rennett's attempt, was the eldest.

On Sunday, the 8th of November, 1818, the nursery-maid, Elizabeth Holbrook, a girl about sixteen years of age, who had lived in Mr. Horsley's family between two and three years, was sent out as usual. She had with her the boy Joseph Charles, and his sister, an infant about a year and a half old, taking them both in a little hand chaise.

The time appointed for her return came, but the servant did not arrive; hour after hour rolled away, and still maid and children were absent; anxiety increased with the approach of night, and still no tidings were heard of the poor infants or their nurse. On the following morning, they recovered the little girl, who

had been found near the wall of the Asylum, where she was left, sitting in the chaise, alone, and might have perished but for the humanity of the landlady of the Hercules public-house, who sheltered her for the night.

During some days the parents, and their neighbours, suffered great suspense respecting the fate of the boy; at one time, thinking the servant had been murdered, at another, that she was accessary to the plot, for they had the strongest reason to believe that the child had been carried off, since they knew that there was a person in existence so hostile to them and their family, that they had much to fear from him: their infant boy was likely to be the particular object of his hatred. The individual alluded to, was Charles Rennett, a first cousin to Mrs. Horsley, and about twenty-eight or twenty-nine years of age. Rennett's grandfather had been a solicitor of great eminence and considerable property; but, having reason to be displeased with the conduct of his son (Rennett's father,) who had contracted what he considered an imprudent marriage, he directed by his will that what property he bequeathed to his son should not be paid to him till he reached the age of forty-five; and in the event of his death before that age, the legacy was to go to other branches of the family. He died under the age of forty-five, and his widow was left in a destitute situation with two children, namely, Charles Rennett and his sister.

About two years before, Charles Rennett and his mother and sister, conceiving that they had a claim to some part of the personal property of their deceased relative, applied to Mr. Ward, a respectable solicitor; and Mr. Horsley and others who were interested, expressed a wish to facilitate their obtaining the Chancellor's opinion with respect to their supposed claims. A sort of friendly suit was commenced for that purpose, which terminated in Mr. Horsley and his co-defendants paying nearly 3000l., which they gave more as a boon than in satisfaction of a just claim. Upon Rennett's obtaining his portion of this money, he went to France, where he soon dissipated it. It appears that he then determined to recruit his finances by the

abominable expedient of stealing Mr. Horsley's child, in order to compel him to give a large sum of money for its restitution: but the means which he had used to effect it remained a mystery, until Wednesday, the 11th of November, when the nursery-maid, Elizabeth Holbrook, was arrested on her return from Birmingham, and underwent a judicial examination.

From the circumstances related by this girl, it was evident that Rennett was the person who had carried off the child. She acknowledged that about two months before she absconded with the children, one day while she was walking with them, a gentleman accosted her; he gave each of the children a cake, and asked if she was coming out again. She answered, "Yes, after dinner." He met her again in the afternoon, renewed his conversation with her, and told her that he was going into the country, but would see her again on his return.

In three or four days afterwards this person met her again, and from that time until the children were taken away, he never missed meeting her daily, and accompanying her for one or two hours, while she was giving the children their usual airing. He told her that his name was George Faulkland; that his father was a farmer between Coventry and Birmingham; that he did not follow any business himself, but his father allowed him sufficient to live upon. He said he lived in the Back Road, Islington, and went every morning to visit his brother who lived in the city.

This sort of intercourse continued till about a week before she went off, when the pretended Faulkland offered to marry her. He told her that an aunt of his who had died recently had left him and his brother 100l. each, and that he daily expected a letter from his brother, desiring him to go to Birmingham to receive the legacy. He proposed to her to go down with him to Birmingham as soon as the letter should arrive, in order that they might be married there, and he positively interdicted her relating to her parents what had passed, as he said he wished it to be kept a profound secret till after they were married. The remaining facts respecting this girl, transpired in the course of the narrative. Her youth and simplicity

rendered her an easy dupe to the artful and unprincipled Rennett. She was sent with an officer, to Severn's Row, Islington, to endeavour to find out, if possible, the house in which the man, whom she called George Faulkland, to whom she owned she had given the child, lodged; and it was discovered by a circumstance of a very singular nature. On the officer and Elizabeth Holbrook going into one of the houses, they saw a blue silk umbrella hanging up in the hall which the girl immediately recognized as one she had seen Faulkland use in her company, and particularly one Sunday evening when he was walking with her, and it threatened rain, he quitted her for a few minutes, saying he would step and fetch an umbrella, when he returned with this identical one, which was too remarkable not to be known again.

On this the officer proceeded to make enquiries, and learned that Rennett had lodged in the house, and that his wife and child were still there; the former was taken immediately into custody, and they learned from her, that her husband had actually departed for France; but they could not implicate her in any way as being an accessary to his guilt.

As Mr. Horsley had now a clue to guide him in the pursuit of Rennett, he lost no time in setting out for France. He was accompanied by a friend, Lieutenant Agar, and took with him a warrant, given by Mr. Birnie, for the apprehension of Rennett. Rennett had the start of them nearly five days, when they arrived at Dover, where they were unluckily detained from the Friday evening till the Sunday morning: and on their arrival at Calais, on the same day, they found that Rennett had on the Monday preceding obtained a passport for Pays Bas, and then departed immediately for St. Omer's. They succeeded in tracing him till they reached Amsterdam, where they expected to find him; but here, to their great disappointment, they learned, that he had quitted that place three days previously, for North Holland.

At De Lemmer they were again fortunate enough to recover traces of Rennett, and at a place called Delmhurst, they found a frock which belonged to the child, and which had been left behind by Rennett.

The landlord of the inn where it was left said, that Rennett had told him he was going to Frankfort in Germany. On the evening of the 23d of November, they arrived at Bremen, and Mr. Horsley immediately waited on Mr. Coleman, the British Consul, to whom he had previously written. This gentleman, the moment he had received Mr. Horsley's letter, took the most active measures for apprehending Rennett. From Mr. Coleman Mr. Horsley received the joyful intelligence, that his child was safe at Braake, and under the protection of Mrs. Macnamara, the lady of the Consular Agent; and that Rennett was in custody.

The necessary forms being gone through, and the child restored to its father, he had the happiness to return with it to England, with Rennett in custody, on the fifth of December. The prisoner was fully committed to Newgate for trial, and the parties bound over to prosecute.

On the 27th of May, Charles Rennett was put to the bar, and charged in the indictment with having, on the 8th of November, maliciously and feloniously carried away a certain male child, under the age of ten, and about the age of three years, Joseph Charles Horsley, the son of Joseph Horsley, and Sarah Elizabeth his wife, with intent to deprive the parents of the possession of the said child.

The case on the part of the prosecution was fully proved in evidence to the effect already stated in the preceding part of this narrative. The prisoner then read from a paper his defence.

No witnesses were called on his behalf, and after a summing up from Mr. Justice Bailey, the jury without hesitation pronounced a verdict—*Guilty*; and he was sentenced to seven years' transportation.

DAVID OWEN,

FOR ATTEMPING TO MURDER HIS SISTER, HER HUSBAND, AND THEIR SERVANT MAID, 1818.

On the 26th of September, 1817, about one o'clock at noon, David Owen, cow-keeper, left Edmonton

and proceeded to the house of his brother-in-law, also a cow-keeper, in Gibraltar-row, St. George'-fields. After knocking at the door, he was admitted by the maid servant, and Jones coming forward to meet him, he first attacked Jones, whom he wounded in the belly and the hand. He then flew at Mrs. Jones, his own sister, and inflicted upon her several shocking wounds: stabbed her in the forehead, cut her severely, though not dangerously, between two of her ribs, and having thrust his knife in her mouth, drew it through the face to the ear, lacerated her tongue, and laid her cheek completely open. The ruffian then struck at the servant girl, whom he seriously cut in the face and one of her hands, besides dividing the main artery of her arm.

The sufferers, though faint and almost insensible with terror and loss of blood, contrived to make their way into the street. And the assassin fastening the door of Jones's house, with loud imprecations threatened to destroy any person who should dare to approach him. Police-officers, however, were sent for, and on their arrival, and after the interval of nearly an hour, it was determined to break into the house and seize the desperate villain. For this purpose a great number of persons armed with pokers and crow-bars, some with ladders at the windows, and others on the ground, made a simultaneous attack on the house, and bursting it open above and below, rushed in with great force.

They found Owen on the first landing place, standing with an air of defiance, and whetting his knives one upon the other, as if for the purpose of rendering them more effectually murderous. One of the officers, however, without a moment's delay, struck him a violent blow with a crow-bar on the head, which knocked off his hat and staggered him; and another instantly took advantage of his tottering, seized one of his legs, and threw him on the ground. Still he was able to resist, which he did so obstinately, that the officers were compelled to beat and even wound him severely about the face and body, before he was subdued.

When overcome by the superior force of his opponents, he exhibited all the rage of a madman, and

could only be moved by main force; his arms and legs being confined by strong ropes. He was covered both with his own blood and that of his victims, from head to foot. On being placed at the bar, he fixed his eyes upon a Jew attorney, named Cohen, and gnashing his teeth, exclaimed, "You have been the cause of this!" It appeared, that some years before, Jones and his wife brought from Wales two lads, the sons of Owen, whom they treated as their own. The Prisoner, Owen, in the mean time, carried on the business of a publican, at Edmonton, and having been guilty of some unkindness to Jones, the latter commenced an action against him for the board and education of his two sons. In this action he employed the Jew attorney, Cohen. The effect of this proceeding was so powerful upon Mrs. Owen, that she died two days subsequent to the writ having been served.

The action was in the mean time pursued, but upon being brought into court, a reference was recommended and adopted. A set-off was made by Owen against Jones's bill, in which he charged the latter for the work and labour of his sons, during the number of years they had been living with him; and as it appeared that the boys had been generally employed in assisting Jones in his business of a cow-keeper, this set-off was admitted, and an award actually made in favour of Owen, over and above the sum demanded by Jones, of 100*l*. The effect of this award was to drive Jones and his wife from the possession of some premises which belonged to Owen, situate at Newington. These premises Owen let to other tenants; and on his coming up to look after his rent, to his surprise and vexation, he found the house deserted, and the late occupants gone. The effect of this discovery on the mind of Owen was such, added to the recollection that his law-suit with his brother-in-law was the original cause, not alone of his present loss, but of his wife's death, as to produce a temporary fit of phrenzy, during which he determined to be fully avenged by the death of him whom he conceived to be the original offender. He immediately went to a house in the neighbourhood, where he dined, and increased his passion by spirituous liquors. The parties were all Welsh; Jones and his

wife about forty years of age; the servant girl about twenty; Owen between forty-five and fifty, a man of formidable size and strength. The age of the eldest son was about eleven; both this lad and his brother had always preferred the society of their uncle and aunt to that of their father; and upon the elder devolved the whole management of his uncle's business, consisting of an extended milk-walk. The servant girl, Mary Barry, had lived with them from her infancy, and was sincerely attached to them, and she was a witness for Jones before the arbitrators, a circumstance which may perhaps account for the enmity of Owen towards her.

Jones's house exhibited a most desolate appearance, from the means that were taken to apprehend the assassin. The sashes at the back of the house had been forced out; and from the numbers of persons who pressed up stairs together, the bannisters were completely demolished.

On the 4th of April, 1818, he was arraigned at the Kingston Assizes, on an indictment for cutting and maiming John Jones, and the circumstances already narrated were fully proved against him.

Mary Barry, the servant, stated, "On the 26th of September last, a little after one o'clock in the afternoon, I was at home with my master and mistress, and heard a knock at the door; I opened it, and saw the prisoner; without saying a word he forced himself in; my master was in the back room; I called out, "Mr. Owen is here!" and my master then came out of the back room into the passage, where he met the prisoner. The prisoner immediately took from under his coat a large pointed carving-knife, and without speaking made a blow at my master, who lifted his hand to defend himself, and prisoner cut and struck him dreadfully on the hand. My mistress then came out, and she and I attempted to save my master, and take away the knife. I got hold of it, and he drew it through my hand, and cut me very much, and then he began cutting and slashing away at random, and cut us all three; he cut me on the arm, stabbed me in the neck, and wounded me in the forehead. I then ran out, and called for assistance, and came back again, and found my master lying on the floor in the back room, bleeding very much, and the prisoner lying over him, with a knife under my master's clothes, and apparently sticking in his side; when I returned to the house, a young man returned with me, and he assisted in holding Owen's arms and getting the knife from him. I was then taken by some persons to the hospital.

Mr. Jones deposed to the same effect, and added, that the cut he received across the hand in the passage, disabled him from offering much defence; and he soon became insensible; when he recovered, he found himself dreadfully cut in the neck, and part of his left ear off. He formerly had a law-suit with prisoner, but had not spoken to him since August, 1816.

Mrs. Jones stated, that during the struggle between them all in the passage, she heard prisoner say, "You wretches, I'll kill you all." She received several cuts about the head and face, and a stab in the side: saw the prisoner attempt to stab her husband in the side; then became senseless, having bled excessively.

Charles Hopkins, the young man alluded to in Mary Barry's evidence, stated, that he saw Barry run out of Jones's house, covered with blood, and calling for assistance; he went into the house with her, and saw Mr. Jones on the floor bleeding very much, and prisoner lying over him, with the knife apparently in Jones's side; saw him seize Mrs. Jones and pull her down; Mrs. Jones called out to take the knife from him; the servant and he, by their united efforts, succeeded in getting the knife away from him; he gave the knife to Holmes, the constable, and then went to the hospital with Mr. Jones and the servant.

Holmes, the constable, stated, that on hearing the alarm, he immediately went to the spot, and saw Owen standing on the defensive at Jones's house, with a knife in each hand; with great difficulty he secured him, searched him, and found in his pockets two other knives and a razor case.

The prisoner seemed unmoved at the recital of the horrid deeds of which he had been the perpetrator, and appeared to eye the objects of his revenge with a malignity that is difficult to describe. The fatal instrument was produced by Holmes, rusted with blood; it was a carving knife fourteen inches long, and the blade about an inch and a half wide. The magistrate said it was a transaction as horrible as ever disgraced a civilized country. The prisoner was sent off to gaol in a coach, amidst the execrations of a vast assemblage of spectators.

Several respectable witnesses were called on his behalf, who gave it as their decided opinion, that the prisoner had not been in his senses. He had a fever nine years before, and since then they thought him subject to melancholy and insanity. The loss of his wife and of his property deranged his mind. He had always been remarkably mild-tempered, humane, and civil.

The jury, after some deliberation, found a verdict of —*Guilty*. And, after a pause, their foreman recom-

mended him to mercy, in consideration of the respectable testimony borne to his character. The judge immediately pronounced sentence of death, and assured the prisoner that he could not reasonably expect that the recommendation of the jury would have any effect.

MARY STONE,
FOR CHILD MURDER,
Preferred by a sister, at the Surrey Assizes, 1818.

MARY STONE, aged 29, was charged on the oath of her sister, Harriet Hampton, of having wilfully murdered a female child, of which she (the prisoner) was the mother, in the month of September, 1816, at Richmond.

The prosecutrix, *Mrs. Harriet Hampton*, a fine young woman, about nineteen or twenty years of age, was then put into the witness-box. On casting her eyes towards where the prisoner sat, she burst into tears, and exclaimed, with great apparent anguish, "O, my sister, my sister!" The prisoner fainted during her sister's agitation, but was speedily recovered; the latter after having been taken out into the open air, was soon sufficiently well enough to give her evidence, which she did with less apparent embarrassment than might have been expected. Her evidence was as follows:—

In the month of September, 1816, I think on the 25th, I slept, as was my custom, with my sister, Mary Stone. About two o'clock in the morning she said she was in extreme pain, and shortly after she was delivered of a female child; it cried, and I wanted to go out and call in assistance, but she would not let me. Very shortly after the child was born, it might be about half past two or three o'clock on the morning of the 25th of September, my sister forced her hand into the infant's mouth, and choked it, and then thrust the body into a pan under the bed. She afterwards threw herself on the bed, and got up in a moment as if to do something; I then said I would cry out, and call for somebody to come in: my sister replied, that if I attempted to do so she would kill me that instant, and then kill herself: I was therefore so frightened that I desisted from attempting to give any alarm. My sister left the body in the pan on that night, and on the following one made up a fire in the room, and tried to burn it, but the flesh

made such a crackling noise that she was afraid it would be heard, and she took it off the fire, and replaced it in the pan. The next morning she took it down stairs, and burnt it in the copper to ashes—she then cleaned the copper out, and threw the ashes on the dunghill.

On her cross-examination by the Common Serjeant, who was counsel for the prisoner, she said:

I first told this story about twelve months ago, or shortly after I got married. I let it out one night in my sleep, and on being questioned the following morning by my husband, I confessed the truth to him; my husband is not here to-day. My sister kept the house we lived in at Richmond! it was a small house, having only three rooms, and being thinly partitioned, so that what passed within might be heard by the neighbours. My sister and I always slept in the same bed; my sweetheart then, but husband now, slept in the opposite room to ours; a man of the name of Davis Kenyon and my brother generally slept in the third room. I never said that my sister, who was an unmarried woman, was pregnant before this matter took place. I don't know that any person noticed it, for she generally slept in bed for a time before she lay in. When she killed the child I was afraid to alarm any body lest she would carry her threat into execution of making away with us both. My sister has used me very ill since this transaction; her ill usage commenced about a fortnight after it happened; she then threatened to turn me out of doors, and wished every bit I put in my mouth might choke me. She disliked my marriage, though I never had the least ill-will to her, or expressed myself to that effect to any person. I never said to Mrs. Wilkes that I would ruin the prisoner, or that I wished her dead to get the 500l. out of the Bank. I never said that as I was not of age I could not get the money yet, or hoped that she might die first. I believe we are entitled to 500l. which is in the Bank; Messrs. Smith and Walton are the trustees for my brother, sister, and myself. My brother told my husband of our having this property, but I never mentioned it to him, because I did not know exactly how the money stood. My sister had a child before this last, it is a grown boy, has always lived with her, and she treats him well; she reduced her last child's bones to ashes, and threw the ashes on the dunghill.

The following witnesses were called in her behalf.

Mrs. Elizabeth Wilkes said, that in September, 1816, she lived at Trentham, where she knew the prosecutrix, but not the prisoner. Her husband worked with her in shoe-making. Witness repeatedly heard the prosecutrix wish for her sister's death; saying on such occasions, that she wanted her money. She remembered her saying on one particular occasion, "I wish she was dead, for then I would have the money, and my husband and I could get into business on our own account." About three weeks after the marriage of Harriet Hampton, she complained to witness, that the prisoner demanded three shillings a week from her husband for the time his wife had lived with her before she knew him; and,

she added, "I am afraid she will get the amount from the trustee, Mr. Smith, who is her friend.

Mr. Walton, of Kingston, proved that he was a trustee under the will now produced, by which 500l. was bequeathed to the prisoner, her brother, and sister, with the benefit of survivorship. The married sister was not yet of age.

Mr. Justice Abbott, in his charge to the jury, observed, that if they believed the witness for the prosecution, they must convict the prisoner of the foul and horrible crime of the murder of her own new-born child: if they disbelieved her, they must decide that one of two sisters had falsely and infamously conspired against the life of the other, in the shocking expectation of thereby coming a short time sooner to the possession of some small property than she was likely to do in the usual course of things. In either alternative the reflection was most revolting. Nothing was surely more improbable than to believe that a woman in a small house like the prisoner's, with every little room at the momemt occupied, and the thin partition so communicating with the adjoining houses that what passed in one was audible in the other—nothing, he repeated, could be more improbable than that a woman should have, without making the smallest noise, or expressing the slightest pain, so as to be audible outside her room, have borne the generally severe and acute pains of childbirth. There was not, besides, the smallest evidence to show that any body had seen the prisoner in a state of pregnancy before this occurrence was said to have taken place, and it was most unlikely that an unmarried woman could have evaded observation in such a state. If the body were burned in the manner described, how had it happened that the very offensive effluvia arising from such a process had never attracted the notice of any person in this small house?

The jury, without hesitation, returned a verdict of *Not Guilty*.

GEORGE CHENNEL,

FOR PARRICIDE,

AND JOHN CHALCRAFT,

FOR MURDER, 1818.

EARLY on the morning of Tuesday, November 10, 1817, a man who had ordered some shoes to be made at Mr. Chennel's, shoemaker, at Godalming, called for the purpose of ascertaining whether they were done. On opening the door, the first object that caught his eye was the body of Mr. Chennel's housekeeper, stretched on the floor, with her throat cut in a shocking manner. He called in some of the neighbours, and they proceeded up stairs, and were horror-struck at the sight of Mr. Chennel lying on the ground, with his head nearly severed from the body. The son of Mr. Chennel, who lived at some distance from his father, was apprehended on suspicion of being concerned, and underwent an examination; when it appeared by the evidence, that on the Monday night previous to the murder he was drinking at a public-house a short distance from his father's, and that between nine and ten o'clock he left the public-house for a short time, and returned, and remained there drinking a considerable time.

Chennel underwent two examinations, before any suspicion was excited as to his having an accomplice in the horrid deed; but circumstances at length transpired, which involved in the same suspicion of guilt his late father's carman, J. Chalcraft, the constant associate of the accused parricide.

On the 12th of August, 1818, *George Chennel* and *J. Chalcraft* were arraigned for the wilful murder of O. Chennel, at Godalming, on the 10th of November preceding; and on a second indictment, for the murder of Eliz. Wilson; by fracturing the skull with a hammer, and cutting their throats.

The deceased, Mr. Chennel, was a respectable currier at Godalming, and also a man of considerable property. Eliz. Wilson, the other person murdered, was a harmless old woman, who had been also for

many years his housekeeper. The prisoner Chennel lodged in the town of Godalming, and usually took his meals, but did not lodge at his father's. On the morning of Tuesday, the 11th of November, about seven o'clock, the town of Godalming was alarmed with the account that Mr. Chennel and his housekeeper were both found murdered in their house, which was in the middle of the street at Godalming, the old gentleman in his bed, and the housekeeper in the front kitchen. They were last seen alive about eight o'clock on the Monday evening, and from circumstances, the murder must have been committed between nine and ten o'clock.

John Currington, farming servant to Mr. Chennel, went to the house on Tuesday morning at half-past six. He took some horses from a field to the stable behind the house, and there saw Chalcraft. The door was open. Chalcraft had the corn-sieve in his hand. Witness had never found that door open before, till his master had risen.

John Knight, jun. deposed, that he came to Chennel's passage about half-past seven. Chalcraft was then standing at the entrance of the passage from the street. Witness went to the door of the kitchen, followed by Chalcraft. Having opened the door, he saw the body of the woman lying on the ground. The door could not open completely on account of the body. Chalcraft did not enter; and when witness asked him to go up stairs, he replied he could not go, and seemed very much agitated.

Mr. Henry Causton was next door neighbour to Mr. Chennel. On Tuesday morning witness, who heard the alarm, saw Chalcraft standing in the middle of the road, with his arms folded. Prisoner said, "My master and Bet are both murdered to-night." Witness said, "Good God! what do you mean, Chalcraft?" He answered, "Bet lies in the kitchen, and master is up stairs." Witness directly went down the passage, and saw the housekeeper lying on the floor in the front kitchen. The prisoner and his father lived on very bad terms. Witness had heard the prisoner Chennel make use of expressions regarding his father about a month or two months before his father's decease. The expressions conveyed vile names, and he wished he were dead. His language for several years past, was so much against his father that witness has often shuddered at it. The expression of a wish that his father were dead, had been used about a year before. His language against the [illegible]eeper was violent. He wished his father would turn her out [illegible] doors.

John Earl heard of the murder about twenty minutes before eight, in the street, and saw the prisoner standing with his hands folded. He said, "For God's sake, John Earl, come over, we cannot find master any where, and there is blood in the kitchen." Witness went, followed by Chalcraft, to the kitchen door, and saw

Elizabeth Wilson lying on the floor, with her throat cut. Chalcraft leaned against the door. Witness said, "Here lies Bet, murdered, and no doubt master has met with the same fate." Chalcraft went for the constable. Witness then let the shutters down, but could see the body before the window was opened, from the light of the door. Witness, with two or three others, went up stairs, the staircase door being shut. They went to Mr. Chennel's bed-room; saw him in bed, with his throat cut, and blood on the clothes. The body was covered up to the head. He then went down, and saw Chennel at the front door of the side kitchen, outside in the passage. Witness said, "George, a bad job has happened to-night; here lies poor Bet, murdered, and your father has met the same fate in his bed." Prisoner said, "O dear, what is to be done?" Witness said, "Won't you go up and see your father?" Prisoner made no reply, but went immediately up stairs, accompanied by witness. As soon as he went into the room, he took one look of his father, and sat down on the left of the room, holding his handkerchief to his face, and making a mournful noise. Witness remained two or three hours about the house; he saw Chalcraft in the shop, and asked him why he did not go to see his master, and he answered, he could not, because he had seen the man who was murdered at Petersfield.

John Kean. Chalcraft was committed to witness's custody. He had a smock-frock on when he took him. He examined him, and found spots of blood on the right sleeve of the frock.

George Austin remembered Tuesday the 11th of November, and saw Chalcraft when he was looking up to his master's windows. Witness called Chalcraft into Chennel's shop, and asked if he would like to see the bodies, and he said, "No." Witness asked him again to go, remarking that they would do no harm, and he said he would not go for all the town. Witness turned round him, and perceived a spot, which he considered to be blood, on the right arm. On the following day, witness went with Kean and Chalcraft to the house of the deceased. Kean asked if he would go and see the bodies, and he said he would, and they all went together. They passed through the shop, Chalcraft stepped over the body, and then went up stairs. Kean then asked if he knew which was his master's bed-room. He answered, No. He did not know any more than the child unborn, not having been up stairs before. They went in, and Chalcraft said, There he lies, poor old man, one of the best masters I ever had. When going down, witness asked the prisoner to take the position he was in when he called his master in the morning: he took the position, and the witness described his attitude from a model.

The examination went to prove that in the morning when the prisoner went to call his master, he must have seen the body of the housekeeper, though he made no mention of it.

Witness asked him, why he did not open the door and pass through to the stairs, instead of going round, to which the prisoner answered, "if you knew the pedigree of it as well as I do, you would have done as I did." Witness asked Chalcraft on Wednesday, when in custody, when he saw George last, (meaning Chennel,) and he answered, "On Friday last, ploughing." Witness saw George Chennel on the Tuesday night, at his (witness's) mother's house.

Benjamin Kean, a constable at Guildford, took Chalcraft into custody by order of the magistrates. He searched Chennel's lodgings at his landlady's, and particularly a chest, where he found two 1l. bank-notes, and 14s. in a tin box. One of the notes had the appearance of blood.

Thomas Simpson Allathorp, warehouseman, Gate-street, London, swore that he paid the two notes to Mr. Chennel on the 4th of November. He knew the notes by taking them of a Mrs. Baker, whose name he had put on them. He put the notes which he had received of Mrs. Baker, on the 3d of November, among his other notes, and paid two to Mr. Chennel, on the 4th of November.

William Coombes, waiter at the Angel-inn, Godalming, remembered the evening of the discovery of the murder; Chennel was at their house on that evening with Sarah Hurst. He observed Sarah Hurst and Chalcraft whispering together. He heard nothing but these words, said by Sarah Hurst, "Hold your tongue, Chalcraft, I want to hear no more of it." This ended the whispering. He saw Chennel in August last, and said to him, "George, when your business is arranged, you will go and live with your father." Chennel answered he would go home to eat and drink, but not to sleep, because the housekeeper would know at what hour he came home. He hoped some morning, when he got up, he should find her with her throat cut; and if he met the men coming out of the door who had done the murder, he would not tell of it though he were to be hanged for it himself; and that if he found them both so, he should not be the least sorry; nor even if he committed the murder himself, should he think he had committed any sin.

James Ayles, a wheelwright at Godalming, remembered Chalcraft coming to his shop in November last. Witness asked him, "What does great George (meaning Chennel,) do now?" Prisoner answered, "D—n me, I do not know what he does. He goes on letting off fire works at the Richmond-arms. There will be a bigger blow-up in Godalming than ever was known. You will soon hear of it."

—— *Johnstone*, a drayman in Godalming, went to Haascombe with his dray on the Monday before the discovery of the murders. George Chennel, the prisoner, went with witness. He put up his horses there. Chennel asked him to pay a pot of beer for him, as he had only 2d. in his pocket, and had left his money at home. They had beer and tobacco. When they had gone out, Chennel said to the landlord, "Miles, I have no money, but I will make it up to you another time."

Elizabeth Stillwell, the wife of Stillwell, in whose house Chennel lodged, remembered the morning of the murder. She did not see Chennel on the Monday, but she heard him go out on Monday morning at ten o'clock, and he did not return that day. He came home after midnight on Monday between twelve and one; she left the door open for him. On the Saturday previous the prisoner owed her five weeks' rent, and he then promised to pay her on Monday.

Charles Woods, on the evening of Monday, in the street near Mr. Chennel's house, saw two persons going down the passage dressed in round frocks. They were near the door of the kitchen. This was about half-past seven. Those persons were conversing together. Witness went away, and on returning about ten minutes afterwards, saw them still in conversation. He went away and returned a third time, when he found them in the same position. There was a light in the baker's shop opposite, that cast a reflection down the passage. He knew the prisoners very well, and believed those persons to be them.

William Stillwell lives in Godalming, and remembered the circumstances of Mr. Chennel's death. He saw Chalcraft on Monday evening, at half-past seven, about forty yards from Mr. Chennel's, going towards Chennel's house. He met Sarah Hurst about fourteen or fifteen yards behind him, going the same way, but slower than the prisoner.

James Tidy keeps the Richmond Arms, at Godalming. The prisoner, George Chennel, was at his house on Monday, the 10th of November. He came at seven o'clock, and called for a pint of beer, then a pennyworth of tobacco, and then another pint of beer. He paid for the beer, which came to eight-pence halfpenny. He then went away, leaving his pipe on the table where it lay. It was about nine o'clock. About a quarter before ten he returned. Then they had another pot; Chennel left his house about half-past eleven. Chennel was in witness's house on the Friday preceding, when he said, he wished his father's housekeeper were dead, and if he saw any one murder her he would not tell of it. He heard prisoner frequently wish the housekeeper dead.

William Cooper, hostler at the Red Lion, remembered standing at the door about a quarter past nine, and remembered bidding Fisher good night. Witness heard something over the way, turned his lantern, and saw Chalcraft and Chennel a few minutes after he saw Fisher. The prisoners were standing then face to face. Witness saw them go down towards Chennel's. Both had on smock-frocks.

William Cobely, on the night before he heard of Mr. Chennel's death, saw Chennel and Chalcraft standing together. He knew them at the time. In going down the town he passed Mr. Chennel's. When near Mr. Chennel's house, he heard a very sharp scream, apparently of a woman. He thought the scream came from Chennel's passage. Witness walked about eight or ten paces, and saw a woman, who was apparently looking for something, and then he perceived Chennel standing in front of the passage, in the centre of it. Chennel appeared to have come up the passage, as he did not see him till then. The prisoner was speaking to the woman. After the scream he heard a heavy fall.

Mary Morley, on the Monday night, passed Mr. Chennel's at a quarter past nine, and saw Chalcraft and Chennel just within the passage.

Sarah Hurst, the accomplice, lived in Godalming, and knew the prisoners; saw Chalcraft at five in the evening of Monday, the 10th of November. He

asked if she should be down the town that evening, and said he wished she would, giving no reason for his wish. She saw him again a little after nine, a few doors below Mr. Chennel's. He was then alone. She asked what he wanted? He answered, that he wanted her to stand by Mr. Chennel's door to watch. Nothing more then passed. He went to Mr. Chennel's house, and witness walked in front of the door-way backward and forward. She remained there for some time, but could not tell how long. She saw George Chennel going in too, when Chalcraft left. After Chalcraft came out, she heard a screech from within doors. Chalcraft said, when he came out, "Is that you, Hurst?" and she said, "Yes." She asked him what they had been doing? He answered, "We have done for them both." Witness saw some blood on his round frock sleeves, by the light of two candles in the opposite window. Witness asked how it came there, to which he answered, "It was the blood from them two." Chennel came up while they were talking from the passage, and asked who Chalcraft was talking to. He said he was talking to Hurst. They parted—Chalcraft went down the town, and Chennel went up. Witness likewise went up. The next night she was in company with Chalcraft, and he offered her 4l. to keep it a secret. She told him she would not have it, as she did not want the money. She told him at last to hold his tongue, she did not want to hear any more of it. She saw him on Wednesday evening coming from Mr. Wood's house in the custody of Pattock. She asked him how he got on. He said, "All well, Sarah, at present."

This woman underwent a severe cross-examination, from which it appeared that she herself was, as far as concealment went, deeply implicated in the guilt of the prisoners; but her evidence as to the particulars of her share in the atrocious crime being supported by collateral testimony, it was received by the court, and appeared conclusive against the prisoners.

The jury almost immediately returned a verdict of *Guilty* against both the prisoners.

The judge proceeded to pass the sentence of the law, apparently much affected.

The prisoners were then led away. Chalcraft pro-

tested that he was "as innocent as the child unborn," and Chennel said nothing.

The execution of these atrocious murderers took place, according to their sentence, on the 14th of August. The day previous their families visited them, and to them they likewise declared that they were innocent.

The Rev. Mr. Mann and Mr. Cole visited them before seven o'clock, nine being the hour appointed for the procession leaving Guildford. To admonitions, uttered in the most feeling manner, Chennel returned no other answer, than that he had nothing to confess; that he was perfectly innocent of the crime charged, and that his life had been sworn away by false testimony. Mr. Mann then proceeded to the cell of Chalcraft, and, to an admonition of the same import, received a similar answer, expressed only with more vehemence. The two prisoners were then conducted into the same cell, to join in devotional exercises, and to receive the sacrament. And when the communion elements were brought, and the bibles and prayer-books laid on the table, Mr. Mann again made a feeling address to the prisoners on their situation and prospects if they partook of the sacrament with a lie in their mouths, and again put the question, whether they had any thing to disclose, they replied successively that they were innocent, and the service proceeded.

When the service was concluded, the above mentioned clergymen, together with others who attended, left the cell, and the Rev. John West, of Stoke, went in to converse with them. By addressing them on their awful situation, they were, for the first time, melted into tears; Chennel saying that, whatever crimes he may have committed, he was not guilty of that for which he was about to suffer; and Chalcraft echoing the words without variation.

The gallows was erected on an extensive meadow to The north of Godalming, which, together with the neighbouring heights, was covered with people; and the prisoners died protesting their innocence.

Chalcraft gave as a reason for refusing to see the body of his murdered master, the shuddering feeling

with which he had viewed the man murdered at Petersfield. From what subsequently transpired, there is every probability that his reason for disliking the sight was the same in both cases, namely, his connexion with the act of murder. Chennel and Chalcraft were at the place at the time the former crime was perpetrated, and some of the clothes of the victim were found near Godalming, where Chalcraft lived.

Another murder, too, was perpetrated at Farnham, and the two criminals were there at the time, while the knife found in the house appeared to be one of Chennel's father's. Other acts of the kind were also attributed to them.

AARON EMMETT,

CASE OF SWEARING FOR BLOOD MONEY AGAINST AN INNOCENT MAN.

Kingston Assizes, 1818.

Aaron Emmett was put to the bar, upon an indictment charging him with having, in company with several others, assaulted Edward Smith, on the king's highway; put him in fear, and took from his person a pocket-book, containing four bank notes for 1*l.* each, one guinea, fifteen shillings in silver, some halfpence, a box, comb, knife, &c.

Edward Smith said, he was a waggoner, and lived at Weston-green. On the night of the day stated in the indictment, he was conveying a load of copper from Esher to town. He had reached Thames Ditton, and arrived at the gate of Lady Sullivan about one o'clock in the morning, when four men rushed out into the road, and shouted "halloo!" The witness stopped his horses and echoed the shout. One of the party then cried out, "D—n your eyes, silence, or we'll soon do for you." Two of them, whose faces were blackened, then collared him, while the other proceeded to rob him. The prisoner he could distinguish as having put his hand into the left pocket of his jacket, drawn out his property, and then carefully felt all his pockets. An attempt was made to get his watch, but he contrived to secrete it too well. The party were about to leave him, but one of them said, "D——n his blood, let us feel him again;" which they did. Witness intreated them to give him some, if not all his property back; urging that he had worked hard

to earn it. He begged, at least, that they would give him his pocket-book, containing some useful memorandums. They answered, that they would drop it for him on the road; and as they were about to leave him, a pistol was discharged over his head. He was positive that the prisoner was one of the party who robbed him.

Robert Crawford said he was an accomplice, and came forward to give evidence for his own safety. He remembered, that on the morning of the day on which the robbery was committed, a thief named Brooker (since transported) came to him and proposed making one of the gang to go out that night to rob the Esher turnpike. They were to be joined by two others (then in Newgate), and expected to make a good thing of it. The witness consented to go, and they met at night. Instead, however, of putting their original plan into execution, they met the prosecutor, with his waggon, at Thames Ditton, and agreed upon robbing him. [The witness here described the robbery in exactly the same terms as Smith, but said, that instead of the pistol being discharged over his head, it had gone off at some distance from him by accident.]—The pistol was broken, and the knife, comb, &c. belonging to the prosecutor, were thrown on the road.

W. Waffron deposed, that on the night of the alleged robbery, he heard the noise of several men at the gate of Lady Sullivan, and on the next day there were found, on the road side, the stock and barrel of a pistol, a knife, comb, &c.

A man, named *Potter*, assisted in apprehending the prisoner. He denied that he had concerted with Smith, or talked to him of the reward that would result from his conviction. This closed the case for the prosecution.

Mr. Thomas Hicks was then called by the Common Sergeant in behalf of the prisoner. He stated, that he was the proprietor of the King's Head Tavern, James-street, Covent-garden, and had left town to transact business at Ditton and Esher. On his way he stopped at the Griffin Tavern, Kingston, and there learned that a gentleman, whom he sought, was in the Crown Assize Court, then sitting. The witness went there, but from the immense crowd assembled he was unable to gain admittance. He, however, stopped some time in the passage, where, among others, he observed the prosecutor Smith, and the witness Potter. They were in close conversation, and he distinctly heard the latter say to Smith—"If you don't swear point blank to Emmett, we shall lose every farthing of the money." To this Smith replied—"Swear to him!—yes, that I will, and nothing else!" The witness, alarmed at such abominable proceedings, called on Mr. Hibbert, a gentleman of Kingston, to whom he communicated the fact.

A great number of respectable individuals, who had known the prisoner for many years, gave him an excellent character. When taken into custody, he was found pursuing his regular employment.

Mr. Baron Wood summed up the evidence, in part only, for the jury could not suffer his lordship to

proceed, and declared themselves satisfied with the innocence of the prisoner.

The latter was instantly discharged out of custody, and, hastening from the dock to the door, ran up to Mr. Hicks in his way from the court, fell upon his knees, and blessed him for the preservation of his life. He assured Mr. Hicks also, that his zeal and humanity were not unworthily exercised, as he new no more of the alleged robbery than himself.

MICHAEL SHIPMAN,

FOR ADMINISTERING DRUGS TO A YOUNG LADY FOR AN INFAMOUS PURPOSE.

Leicestershire Assizes, 1818.

MICHAEL SHIPMAN, a dissenter, a man of property, resident in Hinckley, was brought to trial. The indictment charged him with having assaulted Miss Dalton, and administering laudanum, or some other exciting drug, for the purpose of producing unconsciousness, insensibility, or excitement, in that young lady, with the view of rendering her subservient to his passions.

MISS DALTON sworn.

I am twenty-one years of age. My father was a merchant, and resided at Birmingham; but, from the embarrassed state of his circumstances, found it necessary some time ago to leave the country. My sisters, and I, to whom he had given a good education, remained at home. Early in September, I went into the family of Mr. Shipman, as governess to his three daughters. On Friday, the 19th of December, I was violently ill with a pain in the chest, and a heaviness, and I retired to my room about seven o'clock. Between eleven and twelve, the servant, Clara Johnson, came to ask me how I was. Having experienced no abatement of pain, I told her I was exceedingly ill, and begged that she would ask whether I should bathe my feet in warm water. On her return the girl told me that her mistress had sent her to her master, and he would be up directly. Before I had time to express my disapprobation of so extraordinary an intention on the part of Mr. Shipman, he entered the room. Having covered my head with the bed-clothes, and made no reply to his inquiry how I was, he pulled down the clothes, took both my hands, and placed me by force on my back, desiring me to look at him full in the face. Again he asked me what was the matter with me? I said I had a violent pain in my chest. He asked where my chest was; and I said he

must know; and that he was trifling with me. When Clara left the room, he put his hand over the upper part of my person, and told me the pain was not in my chest, but in my stomach. My endeavour to remove his hand was quite fruitless, for I was extremely weak, and my breath was so violently affected as to render me wholly incapable of remonstrating with him.

About five o'clock in the morning I awoke in great pain, and was quite hysterical; my cries awoke Mr. Shipman's eldest daughter, who jumped out of bed and ran to her parents' room. Mr. Shipman came in a few moments after his daughter had left the room. He insisted on my taking tea, and raised me up for the purpose of doing so. Upon compulsion I took two cups, and he said I should have a third. There is a cupboard in the room, where different kinds of drugs are kept, amongst which is laudanum. Before he brought the third cup, he went to that cupboard and filled it there. I refused to take it. He said I should, and raised me up, and presented the cup to my mouth. I perceived the smell was nauseous, and again refused. He declared that I should, or he would drench me with it: at the same time he took hold of me by the nose, forced it down my throat most violently, and threw me down on the sofa. He came and sat at the foot of the sofa, and gave his hand more unrestrained liberties than before upon my person. The servant came in, and he removed his hands, with one of which he had held both of mine. In answer to his inquiry, she said she had come to prepare the room for the family. He desired her to remove me on the sofa into the kitchen. As well as I could I told her to carry me to bed, but he said it was useless, for I should not go, and he removed me into the back kitchen on the sofa, near the fire, and put the shutters up; Clara went about her business, and he sat beside me, and repeated the liberties I alluded to.

On Sunday I felt better, and contrived to sit up to dinner, after which Mrs. Shipman proposed to her husband to go to chapel. I went up to my own room, Mrs. Shipman went to chapel, and Mr. Shipman came to me while I was lying on the bed, and insisted on my going down. I told him I would cry murder if he persisted in removing me, for I was dreadfully ill. He used all the persuasive arguments he could to induce me to go down; said he had not gone to chapel on my account, and all the rest were out. I said he was a wicked man, and supplicated him to leave me. Finding that I was bent upon not going down, he brought up a large goblet full of brandy and water. I said it was not brandy, and refused to take any. He threatened to drench me with it, and stood over me till I drank the whole of it. I was then in hysterics, had dreadful fits of crying, and lost all recollection of what occurred. On the following morning I was awoke by Mr. Shipman's kisses. He told me how much his wife and children loved me, and that he loved me ten times more. I complained of the insult he had offered me, and said I should inform Mrs. Shipman of his vile conduct. I informed Mrs. Shipman of it. My illness continued with unabated violence; and though I expressed a wish to see Mr. Power, the surgeon, and another medical man, I was denied

by Mr. and Mrs. Shipman. At length I saw Mr. Power, on Tuesday: told him they had given me different kinds of medicine; that I had requested to see him, but had been refused; that I was very unhappy; had been used very ill, but had neither time nor power to tell him more. I continued delirious for a fortnight, and the last thing I remembered was Mr. Power's coming.

Clara Johnson deposed, that she lived as servant to Mr. Shipman, and gave an account of the conduct of her master perfectly confirmatory, as far as it went, of that given by Miss Dalton.

Martha Hey, the nurse who attended Miss Dalton, on Wednesday night, deposed, that she was quite delirious, and that Shipman had acted while she was so in the manner described.

Mr. Power, surgeon, of Hinckley, said he visited Miss Dalton on Tuesday the 23d of December, when he found her very faint. She had a small and frequent pulse, and complained of a pain in the head, and coldness in the feet, and looked excessively ill. She made the communication to him which she had stated to the court. Witness was not prepared to say that laudanum would produce libidinousness—a small dose would produce excitement—a large one stupor.

The jury returned a verdict of—*Guilty*, and the judge immediately passed sentence to pay a fine of a 100l. and to be imprisoned for twelve calender months.

JOSEPH THOMPSON HARE,

FOR MAIL COACH ROBBERY IN VIRGINIA, 1818.

We have few cases of great delinquency in the United States, because the means of subsistence are so easy; but we have no instance of successful crime greater, in Europe, than the present case.

For fourteen years Thompson's life was a connected series of extraordinary and successful robberies, committed in Louisiana, Kentucky, Tennesse, Ohio, Pennsylvania, Virginia, Maryland, Massachusetts, New-York, and New-Jersey, and in Canada, and the Spanish provinces, to the amount of about one hundred thousand dollars.

The first robbery in which he was concerned was in New Orleans, where he, in company with some others, robbed a sea captain of his watch, worth fifty guineas; the second was also in New Orleans, where they robbed a French officer of a large sum of money. The third and fourth were likewise in New Orleans; one of which consisted of 250 dollars, which they took

from a countryman, the other of a watch and seventeen dollars; the fifth was in the wilderness, between the Muscle Shoals and Choctaw nation, where Hare and two others robbed a company of four gentlemen of about 28,000 dollars in gold; the sixth was in the Choctaw nation, where they robbed a gentleman from St. Augustine, and one from Charleston, South Carolina, of twelve or thirteen thousand dollars in gold; the seventh was also in the Choctaw nation, when he himself robbed a traveller of 2700 dollars in gold and a bag of silver, a watch, and a rifle; the eighth was between Pensacola and Baton Rouge, where they robbed a company of five travellers of 40lbs. weight of gold and some silver, amounting to upwards of 11,000 dollars; the ninth was also between Pensacola and Baton Rouge, where they robbed a gentleman of about 15,000 dollars in gold; the tenth was near Nashville, Tennessee, where they robbed a traveller of 970 dollars; the eleventh was in Franklin county, Virginia, where he himself robbed a drover of 450 dollars and his horse, for which he was apprehended and sentenced to eight years confinement in the Penitentiary of Virginia, five of which he served, when he was liberated for his good conduct; the twelfth was between New York and Boston, where they robbed two gentlemen of 14,700 dollars, mostly in English guineas; and in New York, Hare stole a handsome pair of carriage horses belonging to the Governor.

In Washington city he attempted to sell a horse for a man who had stolen it, for which he was thrown into jail, where he lay for several months, when he was released on condition that he would join the army. While in the army he meditated delivering President Madison to Admiral Cockburn, whose fleet was then in the Patuxent, which he would have done if he could have communicated his scheme to the Admiral; becoming dissatisfied, however, with the army, he hired a horse and gig in George Town, deserted, and sold them. The thirteenth was in Chester county, where he entered a tavern-room, and robbed two Germans of one thousand dollars; the fourteenth was near Lancaster, Pennsylvania, where they robbed a drover, of the name of Scott, of eighteen hundred dol-

lars; the fifteenth was at a tavern about three miles from Boston, where he robbed a man of four hundred dollars; the sixteenth was at Prince Town, New Jersey, where he robbed a merchant of thirty thousand dollars, for which he was tried at Summerville Court-house, and sentenced to the state prison for five years, two of which he served, when he was again liberated for his good conduct; the seventeenth, and last robbery in which he was concerned was that of the United States mail, near Havre de Grace, of 19,000 dollars, for which he was hung, together with John Alexander, at Baltimore. It was their intention to have robbed both the northern and southern mails, as both mails had to pass the spot on which the robbery was committed, within an hour or two of the same time, but one of the company making a way with the ropes to tie the driver and passengers, they permitted the mail to pass unmolested.

He was a man of great strength and courage, and possessed more generosity than is generally met with among robbers. He always acted as principal in the robberies in which he was concerned. The following is the concluding paragraph of his confession, written by himself while in the Baltimore jail:—

"The circumstances of our trial and sentence are already known to the citizens of Baltimore. Since then I have been confined in a dreary dungeon, heavily ironed, without any hopes of mercy here, but looking forward for a crown of everlasting glory in the world to come, through the intercession of my blessed Saviour. My offences have been great and many. For the last fourteen years of my life I have been a highway robber, and have robbed on a larger scale, and been more successful than any other robber in Europe or this country, that I have ever heard of; but I have the consolation of reflecting, that I never killed or wounded any man, and that no man's blood is upon my head. I have employed myself, in confinement, in writing this confession, which, I solemnly declare to the world, *and will repeat under the gallows,* is a *true* and faithful history of my life and adventures, and I hope it may serve as a caution to other persons, how

they follow the same course. May the Lord of Mercy pardon and receive my soul."

HENRY STENT,

FOR STABBING HIS WIFE, 1819.

STENT was a butcher residing at Pimlico, and, at the time of the seduction of his wife, was about twenty-eight years old, and his wife twenty-six; they had been married about seven years, and had lived in the greatest harmony and comfort, and if guilty of any error towards her, it was in an excess of fondness.

A fellow named Sweeting, who resided in the adjoining house, was upon terms of family intimacy with them. A short time previous to her elopement with him, Mrs. Stent had been afflicted with an indisposition which rendered country air desirable. She was sent to the uncle of her husband, within three miles of Uxbridge. While in this situation, she was visited by Sweeting, publicly and privately, and he endeavoured to induce her to elope, but she resisted his importunities. To work upon her mind and affection, he went through the farce of hanging himself to a tree, as if in despair at her cruelty, taking special care to be relieved; he then pretended to quench his flame in the canal, and again contrived to be rescued.

At length the poor woman became so alarmed that she returned to town, but in a few days afterwards she fled from her husband; and her fate remained involved in obscurity, except that it was suspected Sweeting was the partner of her flight, as he had disappeared about the same time, leaving four children, and his wife far advanced in pregnancy. On the evening previous to the morning fixed on for the elopement, Mr. and Mrs. Stent were invited to meet a party at Sweeting's house, who, after tea, engaged Stent in a game of cards, while his wife returned home, packed up all the moveables which she could obtain, viz. clothes, plate, and money, and removed them to another place. After she had accomplished this object, she return-

ed and finished the evening in the most convivial manner, and the next morning eloped.—About three weeks after, Sweeting returned to his wife in the night, and demanded the money she had in her possession. He shut the door, and with dreadful threats forced her to strip herself, and from her stays ripped sixty pounds. His unhappy wife was soon afterwards seized with the pains of child-birth, and delivered; but nature gave way to the full tide of misery, and she became raving mad! Her neighbour Stent was sent for, to assist in clothing her in a strait waistcoat, and in an hour afterwards she died in his arms! Her death was soon followed by that of her helpless infant. The death of the mother and infant was succeeded by the death of another child, and the surviving children were subsequently removed to the workhouse!

Mrs. Stent and her paramour fled to France, whence they returned to England soon afterwards, and sailed to America. In a foreign country, far removed from assistance, cut off by her own perfidy from protector or friend, the brute who had seduced her treated her as the wretch he had made her, while to the poignancy of her bodily sufferings were superadded every mental torment. At length remorse induced the wretched woman to think of returning home, and throwing herself at the feet of her injured husband. On her arrival at Liverpool she took the coach to London; and being set down at the Saracen's Head Inn, Snow Hill, retired to a room, from whence, in the phrenzy of guilt and despair, she addressed the following letter to her injured husband:—

"August 5, 1819.

"Henry,—You, no doubt, will be offended at my writing to you, one that I have used so ill; but, believe me, I have considered my crime, and will repent, if possible. Oh, Henry! I have suffered more than I can tell you in crossing the seas; there was nothing but storms and trouble, and the ship was lost. But you, perhaps, already know that I have put my trust in God for safety in crossing them again, and have got safe to England once more, to throw myself at your feet, and implore your pity, if you cannot pardon me; but oh! for one moment consider before my doom is fixed. Indeed I am penitent, and sorry for my sins, and hope you will hear my prayer for mercy, as well as that God which I have offended. But if my story was told by any other than me,

you would see what a villain he was. If you find you cannot forgive me—but oh! that thought makes me tremble—do not let my dear father and mother know you have heard of me, for that would bring their trouble afresh to their minds, (that is, if their lives are spared,) and I hope I have not got that to answer for.

"All I wish is, to pass the remainder of my days in obscurity, or in the workhouse, if you think proper, or in any other place; do not desert me, for God's sake, do not. I have come from America, landed on Tuesday morning, and at night left Liverpool; and this morning got to the Saracen's Head, where I shall await your answer with the greatest distress. If you please to let me have some of the clothes I left, as I have not a gown to wear. Oh! Henry, think well before you say what shall be my fate; only ask your own heart. Do not tell any body that you know of my being in England, but think what a journey for a lone woman to take. I do not know when you will get this, but, if you can, let me know to-night what is to be my lot. Indeed, I will be content on bread andwater, if I can but obtain your forgiveness. Oh! Henry, be not deaf to my prayers; I know it is a crime I have often heard you say you never would forgive; only write to say you will pardon me, and do what you like after; but do not let any of my friends know that I have wrote to you—grant me that request, if you cannot grant any more. Let me know, for I had only 2l. 5s. to bring me to London.

"One o'clock. "MARIA STENT."

Stent had felt, and deeply felt, the wound that had been inflicted on him; he had felt the desolation of his domestic fire-side; and he had witnessed the death-bed of the wife of the seducer of his wife, and seen the helplessness of infants, deserted by their natural protector, struggling in the last agonies of mortal disease, or stretching out their little hands in supplication for food, while their unnatural parent was squandering in licentiousness that which should have placed them out of want.

In this state of mind he hurried to the inn from whence his wretched wife had dispatched the letter which had re-kindled the smothering embers of his fury; was shewn into the room where she was sitting, and instantly commenced a fierce and bloody attack upon the person of the profligate woman. Her screams of terror and cries for mercy were heard by the attendants, and several individuals rushed into the room time enough to save her life, although she was dreadfully cut and mangled in the bloody encounter. He calmly surrendered himself into the hands

of justice, and was conveyed, without a struggle, to Giltspur Street Compter, from whence he immediately despatched the following letter to his sister.

"Dear Eliza,—I have been at the Saracen's Head, and seen Maria, and from what has passed between us, I am now in Giltspur Street Compter; I must leave it to you to break the matter in the best way you can to our dear father and mother.

HENRY STENT."

On the other side was written,

"I have stabbed her, but would not put that on the other side for fear of shocking you too suddenly. It is of no use to come to night, as you cannot be admitted, but I shall be glad to see some of you in the morning."

The prisoner was arraigned upon an indictment, charging him in the usual form with having inflicted divers wounds upon the person of his wife, Maria, on the 5th of August last, with intent to kill and murder her, or to do her some grievous bodily harm. He pleaded, Not Guilty. The jury was then sworn.

Maria Stent, the wife of the prisoner, stood up in the witness-box, and was sworn: but she addressed the judge and entreated that she might not be called on to give evidence against the best of husbands.—Judge. I am extremely sorry to give you pain; but it is my duty to ask you some questions, which it will be your duty to answer. Is your name Maria Stent?—Yes. Is the prisoner your husband? Look at him. (Here the witness turned towards the prisoner with a look of great anguish.)—Yes. I believe you separated from him for some time?—Yes. When did you leave him?—On the 29th of August, 1818. Where did you go to?—To France. When did you return to England?—I returned to London in August, 1819, from Liverpool, and went to the Saracen's Head. Where did the prisoner live at that time?—At Pimlico. Did you send any letter or message to him?—I sent a letter. In the course of that day did you see your husband?—Yes. Where?—At the Saracen's Head. What time of the day?—Between seven and eight. As you recollect, state what passed.—I have no recollection of what passed. Did any thing happen?—Yes. What do you first recollect?—Being in bed at St. Bartholomew's Hospital. What was the matter with you?—I was wounded. Where were you wounded?—In the neck. Any where else?—Yes, there were other wounds. Have you any recollection of the prisoner's coming into the room to you at the Saracen's Head?—Yes. Who came in with him?—I do not recollect. Where you alone in the room?—Yes. Before you went into the room, had you any wound?—No.

Cross-examined by Mr. Alley—Your feelings overpowered you when you saw your husband, and you have not the least recollec-

tion of what happened afterwards?—Yes. You said you did not wish to give evidence against the prisoner, because he was the best of husbands?—Yes. How long were you away from him?—About twelve months.

The next witness, *Thomas Pithouse;* was a waiter at the Saracen's Head, who stated, that the woman came to the inn by their Liverpool coach, between ten and eleven o'clock on Thursday morning, had breakfast, and desired to be furnished with paper, &c. to write a letter: she wrote one, which was sent by a porter to Pimlico: she remained within doors the remainder of the day; and about half-past six in the afternoon, after she had had her tea, the prisoner arrived, and on enquiring for Mrs. Stent, was shewn into the room to her; there were no other persons in the room but themselves. Shortly after, he (the witness) being in the passage leading to the back yard, heard a violent shriek, and immediately a second; and before he and his fellow servant could get to the room door, a third; they both rushed into the room; his fellow servant was first, who immediately cried out, "Thomas, the man has got a knife," the woman at the same time cried out, "Oh, he will kill me."

His companion then made a snatch to get the knife, but missed his hold; the man then altered the direction of the knife, and grasping it full in his hand, stabbed the woman with great violence in the throat. He then said, "I have accomplished my purpose; I wish for nothing but to suffer; I know I shall suffer." The wife replied, "Yes, you have, Henry, and I freely forgive you; come and kiss me." The prisoner then knelt down and kissed her twice, which she returned, saying, "I hope the law will not take hold of you; you are the best of husbands, and I am the very worst of wives, and I hope my fate will be a warning to all bad wives." She was then taken on a shutter to the hospital, and in her way thither she was continually calling on her dear Henry, wishing him to kiss her, and begging him to give her his hand; one of the persons attending took hold of her extended hand, which she then closed most affectionately, saying, "God bless you! I shall now die happy!" mistaking the stranger's hand for that of her husband.

Thomas Turner, the porter, said he was the first person in the room; he saw the wife on her back on the floor, and the man kneeling on her stomach; on his coming in, the man rose up, and perceiving he had a knife, he (the witness) drew back, and before he could get to the prisoner to seize him, he stabbed the woman in the neck, as described by Pithouse; he then said, "Don't be alarmed, I will not hurt any of you; I have accomplished my purpose:" he then let the knife drop from his hand. On the witness observing to him, what a rash man he was to commit such a deed, and that he had signed his own death warrant, the prisoner replied, he was perfectly satisfied; she had been a base woman; on which his wife said, Indeed I have, I freely forgive you, and hope no harm will come to you." This witness also corroborated Pithouse's account of the affecting scene that subsequently took place between the husband and wife, and the expression of penitence and affection used by the latter while being conveyed to the hospital.

George King, a waiter at the Saracen's Head, was then examined. He stated, that he attended Mrs. Stent on her arrival at the inn, showed her into a back room usually appropriated to passengers, where she ordered breakfast and a sheet of paper to write a letter; she did so, and desired him to send the porter to take it to the post: he complied with her directions, and nothing further occurred till the arrival of Mr. Stent, at about half an hour past six. Witness was the first person that saw him; he enquired if there was not a young woman there who came by the coach from Liverpool? Witness replied in the affirmative, and showed him into the room to her: there was no one else in the room but herself. On his opening the door, Mrs. Stent, who was sitting in a distant part of the room, immediately rose from her seat, and came to meet her husband. Witness heard nothing that passed then, for he shut thedoor directly and retired. He then proceeded to state, that he heard the shrieks in common with his fellow servants, and ran to give assistance. He saw no blow struck, but observed the bloody knife lying on the floor. He also corroborated the other witnesses in their account of the expressions of self accusation which fell from Mrs. Stent. He left the parties in care of his fellow-servants, and went to the Compter for an officer.

Several witnesses were then called on behalf of the prisoner, all of whom appeared to be persons of great respectability. They stated, that they had known him for many years, and had always believed him to be a kind-hearted, humane, good-natured man as any in existence, and a particularly affectionate and indulgent husband.

The jury retired, and after consulting for about half an hour, returned with a verdict of *guilty*, but recommended the prisoner strongly to mercy, on account of his good character.

A petition, numerously and respectably signed, was then presented to the Prince Regent, on behalf of Stent, who, in consideration of all the circumstances, commuted the sentence of death into two years' imprisonment.

PEI, A BLACK,

FOR MURDER AND CANNIBALISM,

At Sierra Leone, 1819.

This trial took place in July, 1819, when Pei, a captured and liberated negro, was indicted for the murder of Zongobia, another captured negro, at

Charlotte-town, in the colony, on the 5th of January. Upon the first option of challenging the jurors being put to Pei;—when he was told to look upon that man, and say if he liked to be tried by him, the answer as interpreted, was—"He says, he likes him too much; and *if he catch him, he would eat him.*"

From the particulars of this horrid transaction, as detailed, it appeared that the overseer of captured negroes, at Charlotte-town, employed to superintend the deceased and his countrymen, missing the deceased, Zongobia, at ration time, reported his absence to his superior, who ordered search to be made in the bush. Shortly after he saw a man named Quia, coming out of the bush with a canvas bag, and insisted on seeing the bag and its contents. The man opened the bag, which he saw contained meat; but on inspection, he discovered pieces of human flesh. Quia was immediately secured, but he died in prison while awaiting his trial. He avowed the killing of Zongobia, but implicated the prisoner Pei as his accomplice in the act. The bag, containing the mutilated remains, was shown to Quia, upon whom it was found, and he confessed the act, but alleged that the prisoner Pei first suggested it to him, saying, the deceased was fat, and good to eat; and both together seized the opportunity of surprising the deceased as he was stooping down in the brook to search for crabs; the prisoner caught the arms of the deceased behind his back, and held him while Quia threw him over. They were obliged first to cut off his hand, and afterwards they cut off his head: they then proceeded to cook and eat of the flesh, and in this repast it was understood that others assisted.

Mr. *Kearney* made Quia and the prisoner Pei take him to the place and show him the remains of the deceased. He saw the spot where the fire had been made, and the bones that had been left; some of them bore such marks of persevering voracity, that a thigh-bone had been broken for the purpose of extracting the marrow: the head, with the tongue and upper part of the neck, had been left entire and buried. He caused them to be taken up: the face was recognized

as Zongobia's. The reason given for the distinction with respect to the head and its contents was, that eating and part of the head was supposed, in the country of these cannibals, to cause madness. They were called the Manni, or Maniani, and were notorious for this practice. On Mr. Kearney's asking whether there was any quarrel or any enmity towards the deceased, he was told there was not; and upon some expression of surprise that so great an atrocity should be perpetrated without any provocation, or motive, they justified it by the same motives which induced Mr. Kearney to kill a fat sheep. Quia said, the cause of his having been sold as a slave was, that he had killed and eaten so many men as to render himself formidable.

The jury retired, and returned their verdict—*Guilty*.

The *Chief Justice* observed, that on receiving this verdict, it would be incumbent on him, in the ordinary course of his duty, forthwith to pass sentence of death upon the prisoner, in one of the forms prescribed by law; but the same statute which enjoined that course of proceeding, gave a power to the judge to postpone the judgment if he should see sufficient cause. A statement of the case, with the evidence, and a copy of the indictment, was accordingly sent to England, and the poor savage was pardoned.

SANDT,

FOR THE MURDER OF VON KOTZEBUE, 1819.

The spirit of liberty which, since the war, had prevailed among the professors and students of the German universities, had for some time attracted the jealous notice of more than one of the great continental potentates. It became an object of importance, in the opinion of the Emperor of Russia, to receive frequent intelligence of their motions, and, generally, of the state of public opinion, of morals, and of literature, in Germany. For this purpose, he engaged the celebrated Kotzebue, long attached to the Russian service,

to become his official correspondent, and to transmit to him full and frequent reports of all that was passing. In the performance of this office, M. Kotzebue had provoked the vehement resentment of the students, who accused him of calumniating the principles and designs of his countrymen to a foreign potentate, whose interference they naturally regarded with as much indignation as alarm.

Apprised of their hostility, and dreading its effects, M. Kotzebue was preparing, it is said, to quit Manheim, and return to Russia, when a young fanatic, named Sandt, a theological student of Jena, obtained admission to him, on pretence of delivering letters, and stabbed him to the heart. Having thus completed his purpose, the assassin walked calmly into the street, and, falling on his knees, with his hands raised to heaven, exclaimed, "Vivat Teutonia!" and plunged a dagger in his bosom. He was instantly seized, and the wound not proving mortal, was conveyed to prison, and strictly guarded.

An attempt made by a young medical student on the life of M. Ibel, president of the regency of Nassau, augmented the general panic; numerous arrests took place in several parts of Germany, but especially in the Prussian dominions; papers were seized; professors of known popular principles were subjected to severe examinations; suspicion was particularly directed against the founders of a patriotic association called "The Tugenbund," instituted in 1813, and the members of the more recent "Bursencheft," or students' club. It was affirmed that information had been obtained of the existence of secret democratic societies, extending widely over the country, in which this plan of converting Germany into a republic, one and indivisible, had been decided upon. Revolutionary poems and daggers were reported to have been found among the effects of the persons arrested, and the public were led to believe that an atrocious plot would, in time, be revealed.

A commission was appointed at Berlin, to examine into charges of high treason, and where it should appear necessary, to transmit the prisoners to Mentz.

The assassin Sandt was transferred to Mentz in safe

custody, but his trial was postponed from time to time, probably in the hope of extracting from him some confessions tending to implicate others in a crime which he repeatedly affirmed to be exclusively his own.

As he confessed and gloried in his crime, he was privately examined during several months, but, confessing nothing, was at length ordered for execution on the 27th of May, 1820.

So early as half-past three o'clock the infantry and cavalry, and almost the whole population of Manheim, were in motion. Sandt was brought in an open carriage. His countenance, which was pale, had in it something extraordinary. A smile was on his lips; and he went to meet death with cheerfulness. He bowed with much grace to some ladies who were at a window, and who returned his salutation with very evident marks of interest. When he reached the place of execution, which was on a very large plain, he mounted the scaffold immediately; his sentence was read to him; after which he made a speech. The executioner took hold of him, and made him sit down on a chair, fastened to a small post. He tied both his hands, cut off some of his hair, and put a bandage over his eyes.

He was dressed in white, but wearing a black great coat, and his shirt collar turned down; his hair fell in curls on his shoulders. For fifteen months past his life had been preserved by the most strengthening regimen. Every effort was used to prevent his sinking under the effect of the wound which he had inflicted on himself; he was, in fact, so very weak, that he could not mount the scaffold without supporting himself on the shoulders of two persons.

He was beheaded with a sabre; and the executioner being obliged to make a second stroke, a general cry arose. As soon as his head was severed from his body, thousands of spectators hastened, if possible, to get some drops of his blood, or some of his hair. The chair on which he sat, when he underwent his punishment, was purchased by a society for six Louis d'ors.

It was said that there existed an association which tended to overturn all governments, and to poniard

the thirty-three tyrants marked out by an express list. Sandt, according to his own confession, was, after the assassination of Kotzebue, to post up a seditious proclamation, and to suspend his bloody poniard at the door of the church of the Jesuists of Manheim, and immediately seek refuge in France—but his head turned, and, in place of flying, he strove to pierce his own heart.

PHILIPPE CADAY, ALIAS PHILIBERT, JOSEPH AMAND TREGROSSE, AND LOUIS AMOND CLERAUSAC,

FOR SLAVE DEALING,

At the Old Bailey, February 20, 1819.

THE prisoners were indicted for having brought from Mosambique, in Africa, to the Island of Mauritius, certain persons to be sold as slaves.

G. T. Brodley, in February, 1818, was a midshipman of the Magicienne frigate, stationed in the Mauritius. On the 21st of that month he was with the master in the tender, lying in port Jacotay. While there, they saw a schooner, about two in the afternoon, standing off and on Souliac. The wind was against them, and Mr. Evans, the master, ordered Mr. Garrett and witness to go over land to intercept the schooner. They had eight miles to go, and they took a party of seamen. They got to Souliac about half-past four, and saw the schooner trying to get out to sea. In beating out she ran on a reef, and witness and his party went on board of her, where they found twelve or fifteen persons, among whom were the prisoners. Mr. Philibert appeared to be the master. The other two appeared to be mates.

He found the huts filled with blacks, male and female, to the number of 92. The majority were naked. One was dead, another dying, and nine so weak they could not be moved. Almost all were covered by the itch, and appeared quite astonished when the soldiers surrounded the huts and approached them

and examined their clothes and arms. They appeared quite uncivilized, were all Mosambique blacks, and he was positive were newly imported negroes.

Lyse Victorine, examined through an interpreter, said, in February and March last she was a slave to Made. le Brun, at Hermitage, in the Mauritius; recollected a great number of blacks arriving there; there had been a hurricane about that time; there came with the blacks Messrs. Philibert, Clerausac, Tregrosse, and Fontaine, accompanied by sailors; the blacks were put in a store-house near Madame le Brun's house; there were a great many blacks, men and women, and two or three small children.

C. M. Campbell, a lieutenant of the Bourbon regiment at the Mauritius, was aid-de-camp to General Hall, the governor. On the 3d of March last, by order of the governor, he went to Madame le Brun's plantation with a detachment of the 22nd.

The prisoners, *Philibert* and *Tregrosse*, put in long written defences, in which they denied the charge, and asserted they had been to Madagascar for a cargo of bullocks, which they were obliged to throw overboard in a storm, and that accounted for there being no cargo found on board the schooner. They wandered about the island and met Clerausac accidentally, who took them to the house of Madame le Brun. The defence went on to state that their treatment during the voyage to England had been bad.

Baron Graham summed up the evidence, and the jury, after a quarter of an hour's consultation, found all the prisoners *Guilty*. The Common Sergeant, (the judges having retired) sentenced them all to three years' imprisonment in the House of Correction, and during that time to be kept to hard labour.

SIR MANASSEH LOPEZ,

FOR BRIBING THE ELECTORS OF THE BOROUGH OF GRAMPOUND.

Exeter Assizes, March 18, 1819.

THE indictment charged the defendant with having, by himself, and with certain agents, corrupted and bribed

several electors of the borough of Grampound. The borough of Grampound contained sixty voters claiming that right in respect of being free-men. In November, 1818, a meeting took place between Sir M. Lopez and a man of the name of Hoare; the object was to adjust terms for bringing Sir M. Lopez in for the borough. This was to be effected by a loan of 2000l. to the electors; this loan being really a gift and the price of their votes.

A number of letters were then read from Sir M. Lopez, and from Mr. Hunt, his solicitor, addressed for the most part to Mr. William Hoare. By these letters it appeared that Mr. Hunt was the confidential solicitor of Sir M. Lopez, and that he was the agent employed to manage the business of this election; that 2000l. was to be paid on securing forty-five voters; that the 2000l. was to be a loan, and to be paid by Mr. Hunt.

In one of these letters, speaking of the electors of Grampound, Sir M. Lopez says, "If they can find any gentleman who will pay them better, they may transfer their services to him:"—and in another Sir M. Lopez says, he shall not be put to the additional expense of a dinner to the voters.

William Hoare swore that he was an alderman of Grampound; that in November, 1814, he went to London and saw Sir M. Lopez at his house in Arlington-street; that he gave Sir M. Lopez a letter of introduction from Sir John Derring; that Sir M. Lopez said he heard there was an opening in the Borough of Grampound, and that he should be coming down soon and would see witness on the business; that Sir M. Lopez requested witness to consult the rest of the magistrates and freemen on the subject, and write him word; that witness then told Sir M. Lopez that the electors must be satisfied, and 2000l. would be necessary for that purpose; that after he returned to Grampound he wrote to Sir M. Lopez on the subject and received an answer. In the beginning of the month of December he met Sir M. Lopez at Plymouth; that he went with him to Mr. Hunt's office, where he saw Mr. Hunt; that he then explained to Sir M. Lopez, in the presence of Mr. Hunt, that the freemen wanted 2000l. and that Sir M. Lopez said, that Hunt should come down; that Hunt was at Grampound twice; that on the first occasion he did not see so many of the freemen as he expected, and only stayed a few hours; that he afterwards met Hunt, by appointment, at St. Austel, and Hunt came again to Grampound, where he saw about forty of the freemen; that he told Hunt that the freemen expected 50l. each;

that Hunt said that could not be; that they could have only 35l. each; that Hunt then desired him (witness) to send the voters into the room (a room at an inn) one by one; that he did so; that Hunt a clerk, Mr. Rawle, was in the room, and John Brown, a voter, when witness left it; that Symons was not introduced at this time; that he saw Sir M. Lopez some months after, at his seat near Plymouth, and that Sir M. Lopez then said, "I have secured Symons, I have done something for him here," touching the palm of his hand. That he afterwards introduced Allen, a voter, to Hunt, who did not seem inclined to receive him, as they had already got a majority.

Mr. *Teed* said that he was an unsuccessful candidate for Grampound last election, and was at the present moment a petitioner. That in August, 1817, he received from Isaac Watts, a voter of Grampound, a paper containing the names of the voters who had been bribed by Sir M. Lopez; and that Watts told him the respective sums which had been paid, which he put down against the respective names; that he called on Sir M. Lopez in London; that he told Sir M. Lopez that he called at the desire of Watts to know what he intended to do respecting Grampound. If he (Sir M. Lopez) would be content with one seat, he (Mr. Tweed) might have the other; that witness then told Sir M. Lopez he was acquainted with his proceedings at Grampound, and produced the list he had received from Watts; that Sir M. Lopez merely expressed his surprize where the witness could have got so correct a list. That Sir M. Lopez said the sums were very correct, except that he had paid more to some than was put down. The witness told Sir M. Lopez that he and the electors were subject to a prosecution; that Sir M. Lopez then said he would protect the electors if it cost him 100,000l. That he had taken counsel's opinion, and that the electors were not liable because two years had elapsed since the transaction.

Mr. Justice Holroyd summed up the evidence at a considerable length, and expressed his opinion, that if the witnesses were to be relied on, the case had been made out. The jury found the defendant *Guilty*.

He was sentenced to pay a fine of 10,000l. and to two years' imprisonment, remitted to nine months.

COURT-MARTIAL ON MR. JOHN STOKOE.

We give this case for the purpose of exhibiting the extraordinary policy which prevailed at St. Helena, under the Governor, Lowe, while the fears of the continental despots led them to make use of the Government of England to detain the Emperor Napoleon in

custody. Stokoe afterwards appealed to the public against the sentence of this Court-Martial.

Of a Court-Martial held on board his majesty's ship Conqueror, in St. Helena-roads, on the 30th day of August, and continued till the 2nd of September to try Mr. John Stokoe, surgeon of the said ship, with improper conduct with regard to certain particulars relative to his intercourse with the French prisoners detained at the Island of St. Helena, and on the following charges :—

1st. For having, on or about the 17th of January last, when permitted, or ordered by rear-admiral Plamplin, commander in chief of his majesty's ships and vessels at the Cape of Good Hope, and seas adjacent, &c. to visit Longwood for the purpose of affording medical assistance to General Buonaparte, then represented as being dangerously ill, communicated with the said General, or his attendants, upon subjects not at all connected with medical advice, contrary to standing orders in force for the government of his majesty's naval officers at St. Helena.

2nd. For having, on or about the said day, on receiving communications, both in writing and verbally, from some of the French prisoners at Longwood, taken notice of, and given an answer to, such communications, previous to making the same known to the commander-in-chief, contrary to the said standing orders.

3rd. For having, in pursuance of such unauthorized communication, signed a paper purporting to be a bulletin of General Buonaparte's health, and delivered the same to the said General, or his attendants, contrary to the said orders, and to his duty as a British naval officer.

4th. For having, in such bulletin, stated facts relative to the health of General Buonaparte, which did not fall under his, the said Mr. John Stokoe's, own observation, and which, as he afterwards acknowledged, were dictated or suggested to him by the said General or his attendants, and for having signed the same as if he had himself witnessed the said facts, which was not the truth, and was inconsistent with his character and duty as a British naval officer.

5th. For having, in the said bulletin, inserted the following paragraph:—"The more alarming symptom is that which was experienced on the night of the 16th, a recurrence of which may soon prove fatal, particularly if medical assistance is not at hand;" intending thereby, contrary to the character and duty of a British officer, to create a false impression, or belief, that General Buonaparte was in imminent or considerable danger, and that no medical assistance was at hand, he, the said Mr. John Stokoe, not having witnessed any such symptoms, and knowing that the state of the patient was so little urgent that he was four hours at Longwood before he was permitted to see him, and further knowing that Dr. Verling was at hand, and ready to attend, if required, in any such emergency.

6th. For having, contrary to his duty, communicated to General Buonaparte, or his attendants, information relative to certain books, letters, and papers, said to have been sent from Europe for the said persons, and which had been intercepted by the Governor of St. Helena; and for having conveyed to the said General or his attendants, some information respecting their money concerns, contrary to his duty, which was to afford medical advice only.

7th. For having, contrary to his duty and to the character of a British naval officer, communicated to the said General Buonaparte, or his attendants, an infamous and calumnious imputation cast upon lieutenant-general Sir Hudson Lowe, Governor of St. Helena, by Barry O'Meara, late a surgeon in the royal navy, implying that Sir H. Lowe, had practised with the said O'Meara to induce him to put an end to the existence of the said General Buonaparte.

8th. For having disobeyed the positive command of his superior officer, in not returning from Longwood, on or about the 21st of January aforesaid, at the hour especially prescribed to him by the rear-admiral, there being no justifiable cause for his disobeying such command.

9th. For having, knowingly and wilfully, designated General Buonaparte, in the said bulletin, in a manner different from that in which he is designated in the act of parliament for the better custody of his person, and contrary to the practice of his majesty's government, of the lieutenant-general governor of the island, and of the said rear-admiral; and for having done so at the especial instance and request of the said General Buonaparte or his attendants, though he, the said Mr. John Stokoe, well knew that the mode of designation was a point in dispute between the said General Buonaparte and lieutenant-general Sir H. Lowe and the British government, and that by acceding to the wish of the said General Buonaparte, he, the said Mr. John Stokoe, was acting in opposition to the wish and practice of his own superior officers, and to the respect which he owed to them under the general printed instructions.

10th. For having, in the whole of his conduct in the aforesaid transactions, evinced a disposition to thwart the intentions and regulations of the said Governor and of the said rear-admiral, and to further the views of the French prisoner; in furnishing them with false or colourable pretences for complaint, contrary to the respect which he owed to his superior officers, and to his own duty as an officer in his majesty's royal navy.

The court having heard the evidence in support of the charges, as well as what the prisoner had to offer in his defence, and having considered the whole with the most minute attention, is of opinion, that his conduct (with respect to certain particulars relative to his intercourse with the French prisoners detained at St. Helena) being improper, is proved; that on the 9th

charge it is proved, he called General Buonaparte "the patient."

The court do, therefore, adjudge the said Mr. John Stokoe to be dismissed his majesty's service, but, in consideration of his long services, recommend him to the consideration of the admiralty for half-pay.

ELIZABETH DUNHAM,
FOR STEALING KEYS,
August 28, 1819.

ELIZABETH DUNHAM was charged with stealing two keys, the property of the governor and company of the Bank of England, on the 28th of August.

The prisoner pleaded guilty to the fact of taking the keys, but would not admit that it was a theft. She was respectably dressed, and while Mr. Bosanquet was stating the case, appeared to pay great attention to him. He said, the only object of the Bank in bringing forward this prosecution was, that the prisoner might be sent to a place where she could be taken proper care of. It appeared that when her room was searched there were found not less than 4000 keys. Among them were the keys of the Church Missionary Society, Bell's Buildings; of the counting-house of the Duke of York's School; the padlock of Greenwich Watch-House; the key of the College of Physicians; of the Royal Exchange; the Temple Stairs; County, Prison, Maidstone; the Council Room, Guildhall; and many others. They were all ticketed, and the day carefully recorded on which they were taken.

Shackwell, the porter of the Bank, was called for the purpose of identifying the keys, which having done, the prisoner requested that they might be put into her hands for the purpose of ascertaining whether they were the same found in her room. This being allowed, the moment the poor woman got them into her possession, she exclaimed with an air of triumph, "Now I have got them, I shall hold them for the rights of my king, my country, and myself." She then wrapped them up carefully in a pocket handkerchief, and said

nothing should induce her to give them up but a free pardon from the Prince Regent.

The constable who searched her lodgings was then examined. He stated that he found there not less than 4000 keys, all of which were labelled except about 200.

Being called upon for her defence, she said she had done all this; that she had taken all the keys for her own rights, which she could not otherwise obtain. She thought that by doing so she would secure her own rights as well as those of her country, as the persons who own them would thereby be obliged to come forward and do her justice.

The jury, under the direction of the court, acquitted the prisoner upon the ground of insanity.

MRS. MARY RIDDING,

FOR CHILD-STEALING,

August 28, 1819.

At ten o'clock, Mrs. Mary Ridding, the wife of Captain William Ridding, was tried at the Old Bailey, upon an indictment for stealing Benjamin, the infant child of John Schrier, fourteen months old.

The first witness was a little boy, seven years of age, named Samuel Schrier. Witness was sent out, with his three little brothers, before two o'clock, on Saturday, August 28th; one of them was Benjamin; he took them to an adjoining field. A lady, who was the prisoner at the bar, came up to him and asked, "Is this Bencroft-place?" He replied, "Yes." She then asked him if there was a cake-shop near, and if the child (Benjamin) was his brother? He said "Yes." She then gave witness a shilling, and desired him to go and get three-pennyworth of cakes, and she took the child out of his arms to hold while he was away; he was gone about a quarter of an hour, and when he returned to the spot he found Benjamin missing, and searched all about the fields without being able to find him or the lady.

Sarah Holdgate said her husband kept a green-grocer's shop at Shadwell. On Saturday, August 28, the prisoner came to their shop, about four o'clock in the afternoon, to buy some fruit for a child she carried in her arms. The lady seemed very agitated and trembled much. She said she had lost her way, was much fatigued, and said she wanted a coach to Old-street, and did not mind what she paid for it. Witness directed her to the nearest coach-stand, and was, at the time while she stopped, for about ten minutes, struck with the difference in the condition of dress of the child and the lady.

Hester Hilder lived at the Cross-keys inn, Gracechurch-street, and remembered the prisoner's coming there on Saturday, the 23th of August. She had been there once before. This Saturday, when she came with the child it was dark, and candles were lighted for her; she left the inn on the Monday following. The child, while at the inn, pined and fretted a good deal, as if it wanted its mother's nutrition.

John Schrier said, when he found that Benjamin was lost, he immediately went to make diligent search, in the course of which he arrived at Birmingham, where he found Martin, the officer, who had arrived there before him; he was in the same apartment with the child and the lady at the bar. Martin held up the child to him, which he immediately owned to be his, and accordingly took it. Martin then pointed to the lady, and said it was she who stole it: either the prisoner or her sister-in-law, who was present, asked witness how he knew it to be his child? and he pointed out a mark on the child's arm and eye, when one of the ladies remarked that he might have seen these marks since he came into the room. He refuted this by producing one of his printed bills, advertising the lost child, which contained an enumeration of the aforesaid marks.

Joseph Martin, an officer, pursued the prisoner to Birmingham. He found her there on the Wednesday, with the child in her arms, at the door of her house: it was dressed very smartly, and she was nursing it. He did not speak to her until the Thursday morning, when the father came. He told him he thought he had succeeded in finding his child. He then went to the house, which was a bookseller's, and asked for Captain Ridding, who was out. He then asked for Mrs. Ridding, who, with her sister-in-law, came down stairs, and he was introduced to them in a back parlour. Witness then said to them, "I am an officer of the police from London, and have a serious charge against you; it is for stealing a child." She appeared dreadfully agitated at this intimation, and the sister-in-law equally so. The latter said, "What does all this mean, my dear? speak the truth; what is there about this child?" "I will, then," said she (the prisoner); "The Captain has been long wishing for a child, and I went to London, determined to take some poor person's child, and adopt it as my own." The officer further said that when he first saw the child on the Wednesday it was elegantly attired in a lace dress; on the Thursday it had a new and different dress: the lady appeared to treat it tenderly, and offered to send a careful person up with the child to London; she did not seem to wish to conceal the child at all, and saw her dancing it in her arms at the bookseller's door.

The jury returned a verdict of *Guilty*, but strongly recommended the prisoner to mercy; and she was sentenced to twelve months' imprisonment.

RICHARD CARLILE,

FOR A LIBEL.

October 15, 1819.

THIS was an action brought by the Attorney-General against the defendant, for the republication of Thomas Paine's Age of Reason, formerly adjudged to be a blasphemous libel. The cause excited general interest, and at an early hour the court was crowded to excess.

Mr. Carlile conducted his own defence without the assistance of counsel. Before the cause commenced, he objected to the competency of the tribunal, not being aware, he said, of any law on which the present prosecution could be maintained.

The *Attorney-General*, in opening the cause, replied to the assertion of the defendant that the present information was founded on no law. Christianity, he said, was a part of the law of the land, and to deny or revile it was punishable both by the common law and by several express statutes; and cited several cases in support of this declaration.

Mr. Carlile, in his defence, stated truth to be his only object in the publication; and expressed his conviction that such publication was essential to the interest and welfare of the country. His fellow-citizens, he said, were now fully prepared to discuss the subject; indeed it was only by perusing such works as these that the minds of the public could be perfectly enlightened. The sentiments of his own breast, he should state, were in unison with those of Paine, and his religion consisted in the avowal of them. He then entered into a defence of these sentiments, which he affirmed to be free from any immoral tendency; and he proceeded to read aloud nearly the whole work—accompanying it with comments.

After eleven hours, the *Lord Chief Justice*, at the request of the defendant, adjourned the court to the following day.

The defendant, on resuming his defence, undertook to prove, by reading passages from the scriptures themselves, that the charges brought against them by Paine were founded in truth; but he was interrupted

by the Chief Justice, who informed him that it was not competent to the court to try the merits of the Christian religion, and that such a line of defence was utterly inadmissible. He was, however, permitted to read a variety of extracts from various controversial works, for the purpose, either of supporting the opinions of Paine, or of showing that similar opinions, expressed by others, had escaped prosecution. He likewise endeavoured to show that a recent act for the relief of the Unitarians, ought to protect this work from legal cognizance.

The court again adjourned to enable him to conclude his defence.

On the third day of the trial, Mr. Carlile read a number of passages from various works, in favour of the unlimited toleration of religious discussion. He desired to be permitted to call the Archbishop of Canterbury, the High Priest of the Jews, and the leaders of various sects of Christians, to show the discrepancies of their religious belief.

The *Chief Justice* informed him, that such testimony would be at once inadmissible and unavailing; and in consequence, some witnesses to the general character of the defendant were alone summoned.

After a reply from the *Attorney-General*, the *Chief Justice* summed up. The Jury returned a verdict of *Guilty*.

On October 15, Mr. Carlile was tried for publishing Palmer's Principles of Nature. *Mr. Marryat*, for the prosecution, stated, that this was an indictment against the defendant for having published a certain scandalous, impious, blasphemous, and profane libel, of and concerning the holy scriptures and the Christian religion, to which the defendant had pleaded *Not Guilty*.

Mr. Gurney, on the same side, said, that this was a prosecution instituted by the Society for the Suppression of Vice.

The defendant has been pleased to enter his protest against the competency of the court to try the question. If such protests as these were to be tolerated, he knew not what offenders might not, in future, unblushingly defy the authority of the courts of his

country to take cognizance of any offence imputed to him. He supposed that they would be asked to day, as they had been before, by what law the defendant was to be tried. The answer was, that he was to be tried by the ancient, the well-known, the universally recognized, common-law of England.

The book which was imputed as a libel to the defendant, was entitled "Principles of Nature; or, a Developement of the Moral Causes of Happiness among the Human Species." It professed to be by Elihu Palmer, and the imprint stated that it was printed in America, but re-printed and published in London, by R. Carlile, 55, Fleet-street. It was enough that he found the defendant openly publishing it with his own hand; and as it would be his business to show to them, publishing it with no other purpose than that charged in the indictment;—the profane and wicked purpose of reviling the Christian religion and Holy Scriptures.

A witness was then brought, who proved the purchasing of the work of the defendant in person.

Mr. Carlile afterwards spoke, at some length, in his own defence. "The learned gentleman," he said, "has stated that this was a prosecution instituted by the Society for the Suppression of Vice. Until last night, gentlemen, I never knew who my prosecutors were; nor do I believe I should then have become acquainted with their name but for the verdict of yesterday. He has told you, that the gentlemen of this Society have conferred many benefits on the country; and, in some instances, I admit it: but they have carried their inquisitorial conduct too far. In the preventing the sale of obscene books and prints, I think the society has acted laudably, as these are demoralizing to all persons, of all ages, and of both sexes. But are they justified in going so far as to become censors of the press, and to judge of books on matters of opinion? Gentlemen, I am no hypocrite; I avow myself a Deist, believing in one God, independent of books, or the opinion of others. This, it must be admitted, is, in the abstract, a matter of opinion only. If, gentlemen, your religious opinions are different from mine, you will doubtless disapprove and

condemn them. By the laws of the country, a foreigner is entitled to have one half of the jury his countrymen, or at least of foreigners; but it is not so with me; I am to be tried by a jury of opinions opposite to my own, and I am not allowed to justify mine. How far it is necessary that books should be shielded from examination by law, or that courts of justice should take cognizance of such an examination, and not allow the defendant to state his reasons, I will not pretend to determine. The learned gentleman has attempted to screen the Attorney-General from the charge I made against him of wishing to excite prejudices against me; but he has failed. He has also stated, that the book I am charged with publishing was purchased at the office of *The Republican and Deist*. Now, gentlemen, this is a falsehood, as my shop bore no such designation until long after this indictment was laid against me. He calls me an offender; this, at least, was not decent in your presence; for although the indictment charges me with an offence, yet I ought not to be branded as an offender until I have entered into that defence of my conduct which I am this day determined to do; and no other judge but yourselves, gentlemen, shall interrupt me; and if I am told by you that I shall not make such defence, then will the verdict you may give against me be irregular and impure. But the learned gentleman has gone further, and compared the publication of a book as equal in offence to that of murder, theft, or pocket-picking. Is there the slightest analogy? A book is submitted to the public, to be purchased by them or not, at their option; and if they read it, they may approve or discard it. They are not deprived of any thing by the act, except the price of the book, and this, on their part, was voluntary."

After pleading, that the act by which impugners of the Trinity were relieved from responsibility, ought to protect him also, the defendant proceeded to read and comment upon the work in question. Having listened for some time, the jury expressed, through their foreman, their unanimous opinion, that Mr. Carlile was pursuing a very improper mode of defence, and

after consulting about two minutes, returned a verdict of *Guilty*.

On November 16, the *Attorney General* prayed for the judgment of the court on Richard Carlile, when an affidavit was put in stating the number of copies of Paine's Age of Reason, sold by him, to be 3000, at half a guinea a copy. After some legal objections to the conviction had been urged by Mr. Denman, but over-ruled by the court; and after the defendant had spoken once more in his own behalf, and the Attorney-General had replied, judgment was pronounced by Mr. Justice Bayley in the following words:—

"The sentence of the court upon you, *Richard Carlile*, is, that for the first offence of which you have been found guilty, the publication of *Paine's Age of Reason*, you pay a fine to the king of 1000l. and be imprisoned in the county gaol of Dorset, in the town of Dorchester; and that for the second offence, the publication of *Palmer's Principles of Nature*, you pay a further fine of 500l. and be further imprisoned for one year in the said gaol of Dorchester. And that you be further imprisoned until those fines are paid, and also until you give security, yourself in 1000l. and two others in the sum of 100l. each, that you be of the peace and good behaviour for the term of your natural life.

The sheriffs, *Rothwell* and *Parkins* instantly levied the fines by seizing on Carlile's stock, which they never sold, and in consequence he remains now, (1825) a prisoner for the non-payment.

HENRY HUNT, Esq. JOHN KNIGHT, JOSEPH JOHNSON, JOHN THACKER SAXTON, SAMUEL BAMFORD, JOS. HEALEY, JAMES MOORHOUSE, ROBERT JONES, GEORGE SWIFT, AND ROBERT WYLDE,

FOR AN ALLEGED CONSPIRACY TO OVERTURN THE GOVERNMENT, &c.

At the York Lent Assizes, 1820.

Mr. Littledale read the indictment, which charged the defendants with a conspiracy to alter the legal frame

of the government and constitution of these realms, by force and threats, and with meeting tumultuously at Manchester, on the 16th of August last, with 60,000 persons, armed with sticks. There were several counts, varying the form of the indictment, but in substance implicating the accused in a conspiracy against the state.

The jury being sworn, Mr. *Scarlett* addressed the them.—Of Mr. Hunt it was unnecessary that he should say any thing, because his name had appeared so much of late connected with these transactions, as to leave no doubt on the mind of any man as to his character and avocations. John Knight had formerly been in business; his occupation had latterly been that of an itinerant orator. Joseph Johnson was a brush-maker, residing in or near Manchester, and he believed was also in the habit of attending public meetings. Of John Saxton all the description which he had was, that he was in some way or other connected with the office of a paper called The Manchester Observer. Joseph Healey was an apothecary. James Moorhouse was a coach-master, residing at Stockport. George Swift carried on the business of a shoemaker at Manchester. Of Robert Wylde he knew nothing but that he lived near Ashton-under-Line. Samuel Bamford and Robert Jones were individuals in humble circumstances.

He then proceeded to detail the circumstances of the 9th and 16th of August, particularly adverting to such as seemed to connect the defendants in a common design.

The following witnesses for the prosecution were then called.

Henry Lomas.—I kept the White Lion, at Stockport, on the 8th of August. Late on that night Mr. Moorhouse and Mr. Johnson came to Mr. Hunt at my house; and also early on the following morning, when they were joined by a stranger and a crowd of persons. I saw sir Charles Wolseley, and at a late period of the morning of the 9th of August, Parson Harrison joined them. Such crowds were not customary at Stockport, except when Mr. Hunt was making his speeches. They went (or some of them) into Mr. Moorhouse's house, where chaises were getting ready in the yard. I am one of the yeomanry, and was called upon in that way to attend the meetings; the same cause led me to Manchester on the 16th of August. I was in the Cheshire yeomanry at the dispersion of the Manchester meeting. I had on my uniform, and

had sword and pistols. I saw no marching in array, except among the yeomanry and soldiers, no invasion of Manchester: but I saw flags and banners. I was at St. Peter's-field betwixt one and two o'clock, and remained perhaps an hour, or an hour and a half. I saw nothing particular but the people running one way or another. The Cheshire yeomanry remained still; they cut nobody, though I saw some people down. I cannot say who cut the people.

Michael Bentley.—I live at Newton Norris, near Stockport, and was there on the 8th of August last, and saw Mr. Johnson there in the evening of that day in a gig with Mr. Hunt, going towards Stockport. I was at St. Peter's plain on the 16th of August. I was stationed behind the hustings, and did not see the people commit any illegal act before the appearance of the military. I think there were about 50,000 or 60,000 persons, but I only saw one or two that were a little rough. I saw the Stockport people advancing; they did not alarm me. I saw no arms with the persons who behaved insolently; I saw nobody cut that day. I saw one constable hurt; he was pressed down in consequence of the people going from the cavalry. I heard a few words of Mr. Hunt's address. He said, "if any people break the peace they must put them down, keep them down, and make them be quiet."

Samuel Morton.—I lived near St. Michael's church, at Manchester, on the 9th of August; saw a crowd near my house on that day; Johnson, Hunt, and Moorhouse, came on a large piece of ground near the church, opposite the sign of the Church public-house. Hunt and Johnson were in a gig, and sir Charles Wolsley and some others in a chaise. There was a large collection of people, about a thousand. Mr. Hunt got on his legs, and addressed the people. Among other things, he began making allusion to the Manchester magistrates; he compared them to nine tailors on a shopboard. This, witness supposed, was for forbidding the meeting, which he (Mr. Hunt) said was a legal one! He encouraged them to be firm and come forward, and no doubt they would prosper. He advised the people to be firm; he (witness) saw several placards forbidding the meeting. They were up in several parts of the town. They were signed by nine persons, five of whom he knew to be magistrates. Mr. Hunt told the crowd there would be a meeting on the 16th, and to come forward then. There was a loud huzza, and cries of "We will, we will." Mr. Hunt waved his white hat; Johnson was by Hunt's side; he waved his hand a little. They then went off to Johnson's house. There were many thousands moving about on Monday the 16th: he saw them from Withy Grove: he saw Mr. Hunt, Johnson, and others, he believes, in a carriage. There were people after them five or six a-breast. They kept step very well, like soldiers: he could not tell the numbers, but it was nearly half an hour before they passed, and they continued moving all that time. They had a black flag with "Liberty or Death." These were the words, or similar—"No Corn Laws" upon another. There were several other flags with caps of liberty at top. One had "Hunt and liberty" on it: he saw them come opposite to Mr. Murray's house. Murray is a constable. Murray was very ill at that time, and in his bed-room. They hissed opposite the house.

They also shouted out, that they wanted some *White Moss Humbugs*. They were halted at that time. The carriage had gone on, and was not then in sight. The town was very tumultuous, and for myself, I was alarmed.

James Murray.—On the night of the 14th of August I went to White-Moss with John Shawcross. We left Manchester on purpose to go there, and reached it by day-light. Hearing some persons near us shouting and hallooing, we lay down to prevent our being seen. We then got to the Moss where the men were drilling, there might be 600 or 800 of them. The plot of ground was square. They were in squads, and there was a drill serjeant at the head or end of every squad. They were marching when I went up. I heard the words "march," "wheel," and "halt." It appeared like a camp; the men obeyed the orders given to them. I remember the words "eye's right," "dress," and "forward." I was close amongst them on the left hand. The first words said to me were by a drill serjeant, who bid me fall in. I knew the man, his name was Caterall. I said I thought I would fall in soon. The different serjeants began to shift their squads and look steadfastly. I did not like his looks, and thought of shifting my ground; when I heard the cry of "Spy;" it ran along the lines, and I heard the words, "mill them, d—n them, mill them;" I then heard the cry of "they are constables;" and the answer to that was, "d—n them, murder them." I moved off, and so did Shawcross, but we were followed by eighty or ninety men. They overtook Shawcross, beat him, and knocked him into the ditch. From twenty to thirty men followed and overtook me. They began to beat me with sticks, and kick me most violently with their clogs. I desired them to give over, that that did not look like a Reform in Parliament; it was, I said, very different treatment from that received by prisoners of war. They asked me how we would treat them if we took them prisoners to Manchester? I said we would treat them as prisoners, and not murder them. They continued beating me, and one said, "Shall we kill him out and out, and put him in the pit, or let him go?" A young man said "He has had enough;" another, "If he has any more, he'll die." They then desisted, and held a consultation, after which one of them asked me if I would consent to go down on my knees, and never be a king's man again, and never name the king any more? I said yes; as I considered my life was in danger. I fell upon my knees; the words I now mention were proposed to me, and I repeated them. They then let me get up. I was the next day removed to Manchester, where I was confined to my bed. On the next day, the 16th, I heard the sound of bugles, and on being removed to the window, I heard the cry of "halt!" the crowd then halted near my door; I looked out, and saw the streets filled with people. Those in the centre were in ranks about six abreast. The bugle was again sounded, and I heard the word "march," and the party moved on, and began to hiss very loud. Many of them had sticks. Those who marched in line amounted to between 5000 and 6000 men. Besides these, there was a large crowd of men and women; I could not identify any of them; I was unable to go out that day About one o'clock another crowd of men, women, and children

came past my house, There was an open carriage, in which I saw Mr. Hunt and Mr. Johnson, and I think another person. I do not think it stopped at my door, but it moved very slow. The whole of the crowd hissed, and pointed at my windows. I think those in the carriage looked at my house.

Joseph Travis.—I live at Oldham, and am a grocer. I remember, on the 16th of August, parties of men passing through at nine o'clock, on their way to Manchester. There were five divisions, Royton, Crompton, Chatterton, Saddleworth, and Oldham. Flags, with their names at the head of each. Each division was formed into marching sections: they were irregularly formed, some being two, some four, and others eight or up to twelve a-breast. They had bugles and flags, and marched like soldiers to Brent-green. I counted 864 marching in ranks, but there were many hundreds of stragglers went besides, One leader I saw was Dr. Healy, of Lees; he led the Saddleworth and Lees divisions.

Roger Entwistle—I am an attorney of Manchester. From ten to twelve o'clock on the 16th of August I was at the Albion hotel, Piccadilly, opposite the Infirmary, which is on the line from Stockport; I saw a large body of people marching into the town, like regular soldiers, with banners, and also caps of liberty. Several among them appeared to have the command of different parties, and moved about a yard from the rest, at the side of the front ranks. They had very large sticks, some walking with them, and others bearing them upon their shoulders. When the coach which headed them, came opposite the White Bear, Mr. Moorhouse came out of it; one of the men said to me as he marched by, that before night he would have as good a coat on his back as I had. I then went to St. Peter's-field, where I saw the special constables in front of Mr. Buxton's house. Mr. Hunt had not then arrived, and they were preparing the hustings, and the constables formed a line between it and Mr. Buxton's. Soon after I saw Mr. Hunt, Mr. Moorhouse, and several others, come up in an open carriage. I saw Mr. Hunt get upon the hustings; several thousands, at the very least upwards of 100,000, were there at the time, and many of them were chaunting, "Britons never shall be slaves." There were very few Manchester people there, except out of curiosity, but they chiefly consisted of the labouring classes from the adjacent country. The meeting was most certainly calculated to inspire alarm and terror in the minds of the peaceable inhabitants of the town. I heard Mr. Hunt's address from the hustings; he commenced by congratulating the meeting on the adjournment from the 9th, as they had thereby doubled the number in the cause. Shortly after the military (infantry) made a movement in the direction of Dickenson-street. Mr. Hunt immediately pointed to them, and said, your enemies are among you; if they attempt to molest you, "get them down, and while you have them down, keep them down." Soon after, the Manchester cavalry came up to the front of Mr. Buxton's house.

Henry Orton.—I was at the Manchester meeting on the 16th of August. I attended to take notes for a paper. Saw the defendant Jones. He exhorted the meeting to be peaceable, and mentioned something to the effect that the committee had ordered, on

the Saturday preceding, to form round the hustings, at six yards' distance, and to lock themselves arm in arm, in order that they might not be broken in upon. Swift also exhorted them to be peaceable until their chairman came; to be quiet, and not give their enemies an opportunity of exercising that power which he knew they were ready to do. "Let us prove," said he, "that we are not mad, as they say; but if we are mad, it is the most pleasant insensibility I ever experienced in my life." Mr. Hunt addressed the meeting in front, and requested them to be quiet, and not to interrupt by calling "Silence," as that made more noise than any thing else. This was in front, and I was at that time behind the hustings. Hunt turned round, and said something to the same effect at the other side; he added, "if any one attempt to destroy our tranquillity, I hope some persons will be found with courage enough to put them down, quiet them, and keep them down." A man behind me said, "Why, that's killing them;" but this was in a low tone, and could not be heard in the front. Mr. Hunt was interrupted by the appearance of cavalry, which had come near Buxton's house. This created some confusion near the hustings, and Mr. Hunt then said, "Stand firm, my friends, they are in disorder already: let us give them three cheers." The cheers were accordingly given. The soldiers then came on, and took the men on the hustings.

William Hulton.—I am a magistrate of the county of Lancaster, and was at Manchester on the 16th of August. The magistrates first assembled at the Star-inn, and then adjourned to Mr. Buxton's house, which overlooked St. Peter's area. We assembled between ten and eleven o'clock, and received information, on oath, relative to the approach of large bodies of people. As chairman of the bench of magistrates, for the counties of Lancaster and Chester, much of my time was taken up in writing; but I frequently looked out of the window, and saw large bodies of men approach. They were apparently divided into sections, and had persons walking at the side, who, from time to time, seemed to give the word of command. They did not march straight to the hustings, but wheeled when they received the word of command. The persons in command went up to the hustings and deposited their colours. They were regularly received with loud huzzas. The men appeared to me to be beautifully exact in coming up to the hustings, but I could not mark their motions afterwards. I observed the division which escorted Mr. Hunt: he was in a carriage, in which I believe were also Johnson, Moorhouse, and Carlile: the extraordinary noise which was made on the approach of Hunt, induced me to walk to the window, and mark what was going forward: the hustings were moved in the course of the morning; this I knew, because it had been the desire of the magistrates to form a line of constables from the hustings to the house where the magistrates were; but I observed that a number of men had rushed in, locked their arms together, and surrounded the hustings. The number of persons assembled, was estimated at 50,000. The meeting inspired great terror in the minds of the inhabitants. I received depositions on oath to that effect, and I myself marked the extraordinary way in which the people ap-

proached. The magistrates, in consequence of these proceedings, deemed it necessary to issue a warrant for the apprehension of the supposed leaders, which was given to Nadin, either in the presence of one of the chief constables of the town, or else it was handed to him by the constable. On the warrant being given to Nadin, he said he could not execute it without military aid. I then wrote two letters, the one to the commander of the Manchester yeomanry, the other to colonel L'Estrange, requiring them to come to the house where the magistrates were, which they accordingly did. A troop of the Manchester Yeomanry soon arrived from the Mosley-street end. The troop came at a quick pace, and formed in a line under the wall of the magistrate's house. The moment they appeared, the crowd set up a tremendous shout. They groaned and hissed, and those men who had sticks, shook them in the air. I saw those sticks lifted up in a menacing manner. I had a full view of the whole. I can positively swear that I saw the sticks flourished in this manner; and I even heard the expressions of some of the people who were near the military. Whilst the cavalry were forming, some of those persons who were nearest to them turned or advanced towards them. After the mob had set up this shout, the cavalry waved their swords. They then advanced. I believe the borough-reeve was with them when they formed for that purpose. From the appearance of the crowd, and from their general conduct, I conceived it was totally impossible for a constable to serve the warrant without the assistance of the military. I wrote at the same time to colonel L'Estrange, and the commander of the Manchester Yeomanry, and I supposed the two forces would have arrived at the same moment on the ground; but I was informed, that, from the appearance of the crowd, it was thought that it would be dangerous for colonel L'Estrange to lead his men through a narrow pass, where there was only room for a single soldier at a time. He afterwards brought up two troops of the 15th Dragoons, and two of the Cheshire Yeomanry. When the Yeomanry and the constables approached the hustings, I saw stones and brick-bats flying in all directions. I saw, what appeared to me to be a general resistance. In short, when colonel L'Estrange arrived at the magistrate's house, with the 15th and Cheshire Yeomanry, I conceived the Manchester Yeomanry to be completely beaten. The crowd closed the moment the Yeomanry had entered; and when colonel L'Estrange arrived, and asked what he was to do, so convinced was I of their perilous situation, that I exclaimed, "Good God, sir, do not you see how they are attacking the Yeomanry?" My idea of their danger arose from my seeing sticks flourishing in the air, as well as brick-bats thrown about. I believe the Yeomanry went in about four abreast, but their horses being raw, and unused to the field, they appeared to me to be in a certain degree of confusion. They must penetrate through the crowd to get to the hustings, and as fast as they advanced, the crowd closed in around them. I saw distinctly from the window where I stood, an immense body of people between the house and the Yeomanry, when they advanced to the hustings. In a very few minutes some of the parties were taken into custody. On my saying to colonel L'Estrange "Good God,

sir, do not you see they are attacking the Yeomanry?—Disperse the crowd!" he advanced, and the dispersion of the crowd took place.

John Willie.—I know Johnson the defendant. I saw Johnson on the 6th of August: at that time placards had been put up, postponing the meeting advertised for the 9th, to the 16th; we were talking of the preparations that were making by the "big" men of Manchester, with respect to the approaching meeting, when Johnson said, "The great people think, because it is put off, that it is entirely done away with; but they are under a mistake; for we shall be ready on the 15th for any thing the soldiers can bring against us." There was a great deal of talk about the "Ludding," and Mr. Horsfall's being shot near Huddersfield. Johnson said, that when Horsfall was killed, there was a body of men combined together to go to London, and upset the House of Commons, or something of that sort; and he observed, the reason they did not go was, because they had not enough to support their families, in case they were sent to prison, or came to any harm; the conversation lasted for three quarters of an hour, or an hour. After I had been at the magistrate's, Johnson saw me passing his door, and sent his man after me. I went to his shop, where there were two or three gentlemen. Johnson said, "So, you have been with the magistrates?" I answered, "They sent for me." "And were you," asked he, "fool enough to go to them? They had no authority to send for you."

Mr. Fitzpatrick.—I attended a meeting held at Smithfield on July 21st. Mr. Hunt was the chairman of that meeting. Certain resolutions were then passed in the presence of Mr. Hunt. Certain papers being handed to witness, he said, I recollect obtaining these papers of Mr. Hunt at the time, as the resolutions. I spoke to Mr. Hunt, who said he was glad to see me, for he knew I would write a fair report, and he gave me these papers. I heard the resolutions read. They were greatly applauded, particularly the 8th and 9th. The most violent were the most applauded.

Cross-examined.—I observed no riot or violence; the meeting was exceedingly large, but I have seen larger. I recollect Mr. Harrison being arrested on the hustings at Smithfield. That circumstance excited no disturbance. I never observed any tumult or riot at any of the meetings at which Mr. Hunt was present.

Mr. *Barrow*, on the part of Moorhouse and Jones, submitted that there was not any evidence upon which to send the case of his clients to the jury.

Mr. Holt, (for Saxton) defended, at considerable length, the legality of meetings constituted like that which was the object of inquiry, citing the examples of the Spa-fields, Smithfield, and other similar assemblies; but with respect to the case of his client, he was not disposed to rely upon this ground, since whether the meeting were legal or illegal, no blame

could attach to Saxton, who attended merely as a newspaper reporter.

Bamford (who had no counsel) addressed the court at length, observing with considerable asperity upon the prosecuting counsel, the witnesses, and the Manchester magistrates. With respect to the charge of drilling and arrangement, which was directed particularly against himself, he said, that the sole purpose of the previous organization was, to ensure the preservation of order at the meeting. "In the course of the last six years," said he, "Manchester has witnessed many public meetings, to all of which, with the exception of the last, great numbers of people from the surrounding towns and villages proceeded in groups promiscuously, upon which occasion they were uniformly styled by the illiberal venal press at that place, a mob, a riotous, a tumultuous, a disorderly mob. They were ridiculed as illiterate, dirty, and mean, having chapped hands, and greasy night-caps. They were scandalized as being drunken and disorderly, and they were denounced as being libellous and seditious, dividers of property and destroyers of social order; and was it not then very natural that these poor, insulted, and vilified people should wish to rescue themselves from the unmerited imputations which were wantonly cast upon their conduct? It certainly was natural to give the lie to their enemies. To show to the nation and to the world that they were not what they had been represented to be, they determined to give one example of peace and good order, such as should defy the most bitter of their accusers to criminate, and for this purpose and this alone, was the drilling, so styled, instituted."

George Swift then addressed the court. He admitted having been at the Manchester meeting, but utterly denied that he was there for any illegal purpose. He admitted the statement in evidence of his addressing the people to be peaceable.

Healey presented a long written paper, which, upon a plea of indisposition, he begged to have read by the officer of the court. It denied that such meetings as that of the 16th of August were forbidden by any specific law, quoting the maxim of the Apostle, that

"where there is no law, there is no transgression:" it then argued in the general question of the necessity of reform, with vehemence and some prolixity; and concluded by warning the jury not to observe too implicit a respect for the charge they were to receive from the Bench.

Johnson defended his share in the transaction of the 16th of August, by stating, that he had been advised to attend by persons who knew his extensive influence among the people; and thought that it might be necessary to exercise that influence to preserve order, should any attempt be made to interrupt the tranquillity of the assembly. His friends thought that the police of Manchester were anxious to work upon the distresses of the people, and stimulate them to some act of mischief; and concurring in this opinion, he felt it a duty to attend the meeting. He distinctly and positively denied the seditious expressions imputed to him by Willie, and pledged himself to prove that witness unworthy of credit.

Mr. Hunt complained of the imputations cast upon himself in the opening speech of the learned counsel, which held him up as a low-bred despicable villain; and described him as attending a seditious meeting, surrounded by revolutionary ensigns. None of these imputations had been justified even by the witnesses for the prosecution. Take away the evidence of Mr. Hulton, [of whom Mr. Hunt spoke with much severity,] and what single act of misconduct had been proved against any individual of the meeting? "Shawcross," said Mr. Hunt, "when examined yesterday, said, that the flags, the banners, the revolutionary ensigns, the insignia of war, were in York. They were, it seemed, all brought here, but none of them were produced.

How came it that the learned counsel did not put some of Mr. Hulton's brother magistrates into the box, to confirm his evidence? Mr. Hulton swore that nine of his brother magistrates were present when he acted. They knew that those magistrates were all in court on the first morning. Mr. Hay, Mr. Norris, all the magistrates were here. They were all put out of

court, because they came as witnesses; yet, when they heard of the examination of Mr. Hulton, not a man amongst them could be found to support his testimony in any one respect.

With respect to the meeting of the 16th of August, he denied that he could be considered as in any respect its author. It was convened by a regular requisition, directed, as he would prove, to the borough-reeve and constables at Manchester. But when the proper authorities stated that the object was not legal, the project was given up; a public advertisement was afterwards issued, which was signed by from 700 to 1700 inhabitants, housekeepers of Manchester. Though these individuals signed a requisition, to which each of them put his name, his number, his address, and in most his occupation, in which they called upon the borough-reeve to convene a public meeting, to enable the people of Manchester to assemble, for the purpose of taking into consideration the propriety of adopting the most legal and effectual means of obtaining a reform in the Commons House of Parliament—the borough-reeve and constables, in the exercise of their discretion, thought proper to refuse their compliance to the request. The people, knowing that it was perfectly legal to meet, knowing that it was not necessary for them in the outset to apply to the civil authorities, having first paid this compliment to the borough-reeve and constables, and they having refused their assent, determined to proceed. Four hundred of them, all housekeepers, put their names and residences to an advertisement, calling a public meeting, for the purpose he had just stated. This was done on the 7th of August, two days before he arrived in Manchester. Those who got up that meeting, as he would prove, agreed to ask him to attend for the purpose of presiding as chairman. For what reason? Because they not only knew that he had been at Manchester before, but that he had presided at a meeting there which had gone off with the utmost peace and quietness.

The jury, he said, had, by their verdcit, to decide whether, henceforth any headstrong young man, placed in the situation of a magistrate, might, when he

thought proper, call forth a body of military—a drunken infuriated body—and send them out against a well-intentioned meeting of Englishmen, for the purpose of putting them to death. With respect to the Riot-acts having been read, he denied in the most positive manner that such was the case. The prosecutors had never brought forward a witness to prove it had been read. If they had done so, the learned counsel well knew that the testimony of that witness would be kicked out of court. The learned counsel was perfectly aware that no riot-act was read; and when the contrary was asserted, it was a false and scandalous report to prejudice the public mind. He did not dare to ask Mr. Hulton whether it was read or not, because he saw that he had nerve enough for any thing, and would have said "Yes" at once: although the defendants had got witnesses who were in the magistrate's house, and were now here, and ready to prove that no such thing took place. He would call the most unimpeachable testimony before the court, to show that the people assembled at Manchester, were peaceable from the beginning to the end; that their motives were peaceable, their intentions peaceable, and their acts peaceable; that, instead of the least resistance being made to the civil or military authorities, not so much as one finger was raised against them.

The yeomanry, he observed, some of them drunk, and absolutely cutting at both sides with their eyes shut, dashed amongst the crowd,—among men, women, and children. Some of their horses had tumbled over the mangled heaps of those who had been trodden under feet, and they escaped with difficulty from being hurt; others endeavoured to jump over the heads of those who stood in their way, and all this time continued to attack those near them. At this time, however, there were neither brick-bats nor sticks, nor any other weapons thrown, nor was any resistance made.

Though represented as an outcast, and one who had no visible means of support, he had landed property, and was lord of the manor of Glastonbury, in Somersetshire, where the principal part of his property lay. He lived mostly in the country, and in every place where he resided, he had always the honour to be acquainted with, and respected by, the clergy of the place.

This speech lasted from ten o'clock in the morning till a quarter before three in the afternoon. He appeared to be exhausted in body, but at the same time as collected in his mind as at the commencement. He sat down amidst the applause of the audience.

The following witnesses were then examined.

Edmund Grundy. I live at Billsworth, near Bury, in Lancaster. I was a calico printer, but have retired from business. On Tuesday, the 10th of August, in consequence of a conversation with Mr. Hunt, I waited on Mr. Norris the magistrate, in company with Johnson, the defendant. Mr. Norris is, I understand, the chief acting magistrate. I told him if there was any charge against Mr. Hunt, I would put in bail for any time which he chose to appoint. Mr. Norris said there was no information or warrant, nor any intention of issuing one.

James Dyson. I am a weaver, and reside at Middleton. I was on the Barrow-field on the 16th of August last, between nine and ten o'clock in the morning. There were 600 or 700 people, men, women, and children; I saw Bamford there; walking about at first. I did not hear him say any thing until he got upon a chair and addressed the people: "Friends and neighbours—those of you who wish to join in the procession will endeavour to conduct yourselves orderly and peaceably, so that you may go as comfortable as possible. If any person insult you or give you offence, take no notice of them. I have no doubt but there will be persons who will make it their business to go about in order to disturb the peace of the meeting. If you should meet with any such, endeavour to keep them as quiet as possible; if they strike you, don't strike them again, for it would serve as a pretext for dispersing the meeting. If the peace-officers come to arrest me, or any other person, offer them no resistance, but suffer them to take us quietly. And when you get there, endeavour to keep yourselves as select as possible, with your banners in your centre; so that if any of you should straggle or get away, you will know where to find each other by seeing your banners, and when the meeting is dissolved, keep close to your banners, and leave the town as soon as possible. For if you should stay drinking or loitering in the streets, your enemies might take advantage of it. I saw some few with sticks, but none with those who were not in the habit of using them. I thought to take a stick myself, having experienced the fatigue before, but I was prevented. Several cried out, "No sticks shall go with us." I said one stick could not make much difference; and they said I was as well able to go as they were, and I must leave it behind, and I sent it home by my father-in-law.

To questions by the judge.—My wife did not go with me on that day, but the wives of several of the party accompanied their husbands. It is customary at our wakes and rush-carts in Lancashire to have banners and music.

Mr. *Justice Bayley* asked an explanation of the term rush-carts?

Mr. *Bamford* said, that it is an annual custom to have a cart, on which rushes are neatly placed; this cart is drawn by young men decorated with ribbons, and preceded by young women, music, &c.

Mary Yates. I have six children; I went to Manchester on the 16th of August: I walked before the men; there were a great many women. There were children—many of other people, but none of mine. I saw Bamford's wife on the way. Mr. Hunt, when the soldiers were coming, took off his hat, and desired the people to give them three cheers. I saw no clubs or cudgels brandished at the soldiers. I thought they were coming as friends.

William Elson described Bamford's conduct at Middleton as the other witness had done. I went with the meeting, accompanied by three children of mine, two boys and a girl. My daughter is seventeen years of age, my sons fourteen and thirteen. The procession was peaceable on the road. I lost my children in the crowd in St. Peter's-field. I had no fear till I saw the yeomanry coming.

Lucy Morville. I am a widow, residing at Middleton. I was at Manchester on the 16th of August. I went in a company of twenty; I walked by the side of the procession. My two boys, one nine, and the other of twelve years of age, went to Manchester with the procession. I took the youngest boy by the hand, meeting him on the way, and went on with him. I met my eldest boy near Manchester, turning towards Smedley-cottage, and took him likewise by the hand, stopping with both till Mr. Hunt came from the cottage. I then went to St. Peter's-field, a nearer road than the procession, with my two boys. I did not go near the hustings, having my two boys with me. I stood beside a body of men formed in a line, who refused to let me pass them. A man said, when I attempted to pass, "You cannot pass that way; the line is composed of sworn-in constables." I stood there till Mr. Hunt came on the ground. I saw a man in black clothes riding off from the body of the people. The constables smiled at this, and one of them said, "I should wish the start to begin just now."

John Hampshire. I live seventeen miles from the town of Manchester. I know Saxton; I saw him on the 16th of August. I called on him about twelve o'clock. We went to the Manchester Observer office. He was a reporter to that paper. I stayed a short time with him there, and saw him preparing paper and pencils to write notes at a public meeting. I saw no disposition in the crowd to resist the military. Mr. Hunt neither made resistance, nor encouraged the crowd to make resistance. I heard a military officer say, "You chairman, come down this moment." Mr. Hunt's reply was, "Very well, Sir;" and then got down.

John Smith. I am concerned in the Liverpool Mercury. I attended on the 16th of August to report for that paper. Previous to twelve o'clock, I observed various bodies proceeding towards the meeting, from different avenues; I was struck with the orderly manner in which they advanced, and in which they gave way to carts, carriages, and passengers. Between twelve and one the

meeting kept increasing considerably, and I heard a band of music playing what I thought, from the beat of the drum, to be the tune of "God save the King." I asked a person nearer the band, if it was "God save the king," and was answered, yes; when I said, I was happy to hear it. Mr. Hunt then arrived, and in a short time the cavalry arrived; I was astonished at the circumstance, as well as those around me; but the general feeling was, that they came to preserve the peace; the people gave three cheers, which appeared to me to be in accordance with that feeling. The military returned the cheers. There was then a pause, and the cavalry, after this pause, advanced rather hastily towards the hustings. I saw no resistance: the cavalry advanced quicker than I could have supposed it possible through so dense a crowd. A general cry was raised around me, "What was to be done?" and the general answer to that question was, that the cavalry must be bringing some magistrate to listen whether any seditious expressions were to be used. We were sure all would be quiet still. In no case whatever did I see any attempt to resist, nor any encouragement to resistance given by Mr. Hunt, or any other person, either by word, look, or gesture. I saw no sticks lifted up against the military. I saw no brick-bats or stones thrown till the close of the dispersion, when I saw one stone thrown. If any stones or brick-bats had been thrown, or any sticks raised in defiance of the military, I must have seen it. I am more than six feet high, and therefore was enabled to see all that took place. I saw a great many women and children in the field, and spoke to several of them. The black flag, I think, was on the field when I arrived, but I did not remark it particularly. I remained on the plain till the crowd was dispersed. I neither heard any offensive expressions uttered, nor saw any acts of violence committed by the people, from the time of their assembling, to their complete dispersion. Did not hear Mr. Hunt say when the soldiers appeared, pointing to them, "There are your enemies; if they molest you, put them down, and, having got them down, keep them down." I conceive it impossible that any thing of the kind could have been said. I did not hear the crowd hoot and hiss, nor see them brandish their cudgels.

J. Shuttleworth. I am a merchant residing at Manchester. I recollect being at the exchange about eleven o'clock on the 16th of August. I witnessed several parties pass the Exchange, to go to St. Peter's-field. They were marching with considerable regularity, in the form of a procession, and conducted themselves in an extremely orderly and decorous manner. In consequence of the observations which had been made as to the number of sticks carried at previous meetings at Manchester, I determined to count, as accurately as I could, the proportion on this occasion. I did so to several hundreds; until, indeed, I thought I had a fair average; and the result left no doubt on my mind that there was not one stick to ten persons. The sticks were walking sticks, such as are usually carried by country persons. I certainly did not perceive men with large staves, four and a half feet long, and shouldered as soldiers shoulder their muskets. If any persons had been ob-

ducting themselves in such a manner with such weapons, I think I must have observed them. I assuredly did not see any thing in the conduct or manner of the parties assembled on that occasion so as to excite alarm for the safety of the town. Where I stood on Peter's-field, was a large posse of special constables, many of whom seemed anxious to hear Mr. Hunt; and when his appeal succeeded in occasioning tranquillity, many of them exclaimed, "Well done Hunt, that's right." It did not appear that a dense body, a phalanx of reformers, ten or fifteen deep, surrounded the hustings. I saw the yeomanry cavalry arrive near Buxton's house. Up to that time I had seen nothing in the meeting, or elsewhere, that day, to excite my fears for the safety of the town. The people turned round, but I saw no brandishing of cudgels. I saw no act of insult or violence offered to the military, the yeomanry shouted and flourished their swords in the air. This seemed to excite considerable agitation, and there was a confused noise for a few moments, and many of the special constables reaching from Buxton's house towards the hustings, fell back along with the people near them, so as (it appeared to me) to leave an open space of about fifty yards. When this was done, the cavalry proceeded at a quick pace towards the hustings, and when they came to the space comparatively open, those in front appeared to gallop. Their progress seemed to be checked by the dense crowd, and this appeared to me to cause in them considerable confusion. I did not observe any of them separated from the rest. They appeared in one circular mass. The people did nothing to resist them. I saw them go on the hustings. I saw neither stone, brick-bat, nor bludgeon hurled at them. As soon as they got up to the hustings, I left the ground.

John Tyas. I am a reporter to the Times newspaper. I attended at Manchester in August last, in consequence of a public meeting that was to be held there. I recollect sending an article relative to something that occurred at the police-office previously to the 16th. It was entitled, "Another bounce of the Orators." I had heard much conversation about the meeting of the 16th. I went to the ground about eight o'clock. I was on the alert, the paper to which I belonged always giving the fullest accounts of things of this kind. There were very few people on the ground when I arrived. I saw the people marching in St. Peter's-field. Witness described the march of the different parties. About half-past eleven the first body of reformers arrived on the ground. I recollect the black flag coming into the field. It belonged to the "Mosley and Saddleworth Union." I remember when the parties approached the hustings, "God save the King," and "Rule Britannia," were played. I did not observe any person marching up in military array, as it was called; shouldering staves four feet and a half long, and as thick as a man's wrist. I was induced to remark that circumstance particularly, because I saw it stated in the Courier, prior to the 9th of August, that the people who escorted Mr. Hunt into Manchester were armed with staves that might be converted into pike handles. I saw no act committed by any of the parties which excited

the slightest apprehension in my mind for the safety of the town. There were a great number of women and children present. I did not see Mr. Hunt when the carriage arrived opposite the Star Inn, stand up in it, and order the people to hiss and hoot. The carriage did stop there, but I think that was occasioned by the people not getting on before. There was, however, hissing and hooting at the Star Inn, and afterwards opposite to the police-office. I saw several banners in the middle of the crowd, and many women amongst the multitude. The crowd was more dense and jammed together, than any I ever observed before or since. The first circumstance that took place after Mr. Hunt arrived, was the election of a Chairman; and Mr. Johnson proposed that gentleman.

[Mr. Tyas here read his notes of the proceedings which took place after he arrived on the hustings, commencing with the election of Mr. Hunt as Chairman, and terminating with his capture, which have already been detailed in the evidence of the other witnesses.]

The cavalry advanced, as far as I could judge, at a quick trot, and formed near Mr. Buxton's house, where the magistrates were, Mr. Hunt, as I collect from my notes, ordered the people to give three cheers, which they did, for the purpose, as it seemed to me, of showing the military that they were not daunted by their unwelcome presence. The cavalry advanced, and Mr. Hunt told the people it was a mere trick to disturb them, but he trusted they would all stand firm. He scarcely had said these words, when the Manchester Yeomanry rode into the mob, who opened for them in the most peaceable manner. The cavalry directed their course to the hustings, and, when they arrived there, took a number of individuals into custody. I recollect an officer went up to Mr. Hunt, with his sword in his hand, and desired him to surrender. He said he would not surrender to a military officer; but if any peace-officer came up, he would surrender. Nadin then came, as it appeared to me, from under the waggon. Mr. Hunt immediately surrendered, after first desiring the people to be quiet. If there had been groaning, hissing, and hooting at the extremity of the crowd, the cheering of those round the hustings would have prevented me from hearing it. I saw no sticks flourished by the people as the cavalry approached. Had they been flourished, I must have seen it. I saw the special constables using their staves. They beat the people with them; and of course raised them in the air.

Henry Andrews. I have been Mr. Hunt's servant seven years. I have been at many meetings. I accompanied him to the three meetings at Spa-fields, London; to the public meetings at Bristol, Bath, the county meetings in Wells, Wiltshire, and Salisbury, and the public meetings at Westminster. I have heard that he is a freeman of Bristol. I know that he has property in Bath; he has houses, a large yard, and out premises there. He is Lord of the Manor of Glastonbury, in Somersetshire, and has a farm there. I perambulated the bounds for him. He has also farms in Wiltshire and Hampshire. I know he is a livery man of London. When he attended the Westminster meeting he resided there. I accompanied him to the Manchester meeting, as well as

to all the others which he has attended. I never saw any riot or breach of the peace committed by any of the persons composing those meetings. He was always called the poor man's friend. I never heard him urge any meeting to acts of violence. He was called the poor man's friend, as he said that if a poor man worked hard all the week, he ought to have enough to support his family. He was generally visited by squire Wigmore and Mr. Hutchins, the clergyman of the parish. I never saw him or any of his company intoxicated in my life.

Robert Harrop. I live at Lees, and manage a spinning concern for my father. I recollect directions having been given to buy linen to make a flag—some white bleached cambric was bought, to make a flag to go to the Manchester meeting. Directions were given to have inscriptions and devices put upon it, and they were put on accordingly, but it would not answer, because when the painter began to letter it in black, the lettering was seen through, and it prevented the reading. We determined to have it of some other colour, and the painter having no paint but the black with which he was painting the letters, we agreed that the flag should be painted black, and that the inscriptions and devices should be painted white. This was the sole cause of the white flag being made a black one. It was never pointed out to us, nor had we any idea that a black flag was more offensive than a white one. I saw the cavalry go to the hustings.

Robert Wood is a chemist and druggist at Manchester, residing near New Cross. He saw no cause whatever for alarm on the 16th of August; the people had no appearance of an invading army. Some few had common walking sticks; he saw no large staves whatever. He saw the yeomanry advance at a quick pace round Brown's cottage, and form in a line opposite Mr. Buxton's house. He afterwards saw them during their progress to the hustings, and did not see the least resistance opposed to them by the people. He saw no brick-bats, sticks, or stones flung at them as they advanced; if such had been thrown, he must have seen them. The place where the yeomanry charged was opposite his window; he saw no sticks held up against them; some constables held up their staves. The cavalry were within twenty yards of where he stood, and he did not hear them say what they wanted at the hustings. The staves appeared to be held up by the constables to protect themselves from the swords of the cavalry.

Sidney Walker. I am a lieutenant in the Bengal native infantry. I observed the processions on the 16th of August. The people were perfectly peaceable and orderly. I saw one or two going to fight among themselves, who were prevented by those around them, who would not allow a riot to be created. As a military man, I did not, from the appearance of the procession, think that the people must have been drilled. It did not strike me that they must have been drilled, either from the sound of their feet, or from any other circumstance.

John Molineux. I live in the Market-street, Manchester; I am a lamp-manufacturer and tin-plate-worker. I left my shop about 11 o'clock. The street was crowded several times in the day. I returned to my shop before 12. I saw no necessity then

of shutting up my windows. I went again there at 12; I met my daughter on the ground. She expressed a wish to go, and went with her uncle. My daughter is sixteen years of age. I remained on the field till the meeting was dispersed. My daughter remained with me and my brother-in-law. I saw the military arrive. No opposition was made to the military that I saw. There was no groaning, or hooting, or hissing at them. I perceived nothing done to intimidate them. I saw no stones, or sticks, or brick-bats thrown at them, or thrown up in the air.

Mr. James Scolfield. I am a dissenting minister, and live at a place called Hulme, near Manchester. I was at Manchester on the 16th of August last. A board was exhibited, bearing in large characters the words "Order! order!" As far as I could perceive, every disposition was shown by the people to obey that direction. The different divisions had bands, which played the air generally called "Rule Britannia," and the national anthem of "God save the King." When the latter was played, the people, for the most part, took off their hats. I felt no alarm, nor did I hear any person express alarm at the meeting. I saw the military arrive. As the cavalry advanced, the people held up their hats as a sort of guard against the cuttings of the swords. There were no brick-bats, stones, or sticks, hurled against them.

John Hobson. Was in a house in Windmill-street, overlooking the meeting of the 16th of August. The house in which he was, was exactly behind the hustings. He saw the soldiers advance to the hustings. There was no disposition whatever to resist them on the part of the people; quite the contrary. There were no stones, brick-bats, or clubs, thrown in the air as the Yeomanry approached.

The Rev. Mr. Hindmarsh. I am a dissenting minister, and reside at Salford. I was in Manchester on the 16th of August last. I saw several parties pass on to the meeting on that day. They appeared to me to be perfectly peaceable and quiet. I was upon St. Peter's-field near an hour and a half; I made it a point to observe what was the character and complexion of the meeting, and therefore I traversed every part of it. I went there merely as a spectator. I every where heard congratulations on the peaceable complexion and character of the meeting, and every one hoped it would terminate quietly. In the course of my perambulation, I went near the house in which the magistrates were. I saw a double line of constables leading to the hustings. The crowd was close to the constables. I saw no disposition in the people to insult them. The line of constables reached a considerable way into the crowd. I remained upon the field until the cavalry arrived. I saw nothing before their arrival which excited any fears for the safety of person or property, or the safety of the town; I had not the least idea of any such thing. I saw nothing, which, in my judgment, could excite the fears of any rational, temperate, sober-minded man. I am not a radical reformer. I should not, from what I saw, expect the crowd to follow bad advice. I think they were not disposed to acts of violence. From the first to the last I saw nothing done either to intimidate or insult, or oppose

the military. If any hissing, hooting, groaning, or brandishing of cudgels took place on their arrival, I think I must have seen it; but there was no such thing within my hearing and sight. I kept my eye on the cavalry until I found it necessary to provide for my own safety. I saw no stones, brick-bats, or sticks hurled in the air, or at the cavalry.

Thirty-seven witnesses were examined for the prosecution, and fifty-six for the defence, during nine days.

Mr. Scarlett replied at great length, and *Mr. Justice Bayley*, after a short pause, proceeded to address the jury. The great point for consideration was, the conduct of the crowd on this occasion. He went very fully into the law of conspiracies and illegal assemblies—adverting particularly to the opinion of Sergeant Hawkins; that a public meeting may be lawful, with respect to some of the persons constituting it, and unlawful with respect to others. He said, the phrase sworn to by one of the witnesses, as having been used by a person going to the meeting, namely, that they would "make a Moscow of Manchester," seemed to be inconsistent with the general intention expressed by the reformers on that day. There was every reason to believe that Mr. Entwistle was mistaken in the expression of Mr. Hunt about their enemies, as applied to the soldiers. With regard to the shout set up when the military appeared, it might be the shout of consciousness of innocence, and a determination to remain on that consciousness, or it might be the shout of intimidation.

On the tenth day the judge resumed his charge, and said, that, with respect to Bamford, all that had been proved in his speech was a recommendation to peace and order. So far in favour of Bamford. With respect to Saxton, the crown had abandoned the case. In behalf of Mr. Hunt, three different propositions were established in his favour, by the witnesses produced in his defence. First, that the procession moved to the field in the utmost order—that all the exhortations to the people were in the spirit of peace, and that they imbibed and adopted that spirit in every respect. There was no insult, no offence given, except some few loose expressions, only implicating the in-

dividuals using them, and not fairly attributable to the bulk of the people. There were none who saw sticks thrown, nor bludgeons, nor brick-bats; no panic in Manchester, all was tranquil and free from apprehension up to the moment the military arrived on the ground. It was admitted that the people shouted when the cavalry came; some said this was in defiance, but for the defendants a different construction was put upon the act, and that it merely signified their confidence in being legally assembled, and their determination to remain in the discharge of what they considered a justifiable duty, without fear of interruption. If the object were legal, and the means of effecting that object legal, then the people had undoubtedly a right to remain while so conducting themselves, and there was no proper reason why they should be disturbed. Under such circumstances the people had a right to stand firm. It was also deposed, that besides the promiscuous group of women and children who came into Manchester, there were many other, to all appearance, respectable females who walked to and fro among the multitude, without seeming to apprehend any danger from their situation. There was also in evidence, that marks of respect were paid to loyal tunes, that not the slightest indication of disturbance took place, and that no stones, brick-bats, or sticks were flung up in the air during the day, nor hooting, nor hissing at the cavalry.

The learned judge recapitulated many of the leading points of his charge with respect to Mr. Hunt; they had evidence of his being at Smedley Cottage, on the eve of the intended meeting at Manchester, on the 9th of August, that he had that day expressed himself in terms not very respectful of the local magistracy; that with reference to Johnson, it appeared he had gone from Bullock Smithy to Manchester, with Mr. Hunt; he had appeared with him on the hustings, whether according to a previous concert, and for an illegal object, the jury, according to their construction of the evidence, must decide. As to the case of Moorhouse, there was evidence of less participation. Swift was on the hustings, but there was proof of his not being criminally engaged there, or for

an illegal purpose, if his witnesses' statements were correct. Against Healey there was the black flag, if they inferred any criminality from that emblem. The inscription it bore was as follows:—"No Boroughmongers; Unite and be Free; Equal Representation or Death; Saddleworth, Lees, and Moseley Union; No Corn Laws; Taxation without Representation is Unjust and Tyrannical." Another party was led up by Wylde, but what their banners were did not appear in evidence. Jones merely put up the hustings.

The learned judge then proceeded to refer to the evidence, and to enforce upon the minds of the jury, that the main question they had to try was, whether the meeting was, or was not, according to its manner, calculated to produce terror, either in the manner in which it was formed, or in the circumstances that ensued before its dispersion. Find no defendant guilty, gentlemen, whose guilt is not in your minds clearly established by the evidence—find no defendant innocent, if you think the evidence establishes his guilt; wherever a doubt arises, the defendant ought to have the benefit of it.

At a quarter past twelve o'clock the learned judge closed his charge, and the jury retired.

Shortly before five o'clock the jury returned into the box. The foreman held a paper in his hand, and said the jury had agreed upon their verdict, which he read as follows:—

"Moorhouse, Jones, Wylde, Swift, Saxton—*Not Guilty*.

"Henry Hunt, Joseph Johnson, John Knight, Joseph Healy, and Samuel Bamford, *Guilty* of assembling with unlawful banners an unlawful assembly, for the purpose of moving and inciting the liege subjects of our sovereign lord the king to contempt and hatred of the government and constitution of the realm, as by law established, and attending at the same."

Mr. Justice Bayley. Do you mean that they themselves intended to incite?

The Foreman. Yes.

Mr. Littledale. This verdict must be taken on the fourth count.

The jury withdrew for a few minutes, and returned

with a verdict of *Guilty* generally on the fourth count, and *Not Guilty* upon the remaining counts.

Mr. Justice Bayley. Let the defendants now additionally, in court, enter into their own recognizances to keep the peace and good behaviour for six months, Mr. Hunt in the sum of 2000*l.* Mr. Johnson of 1000*l.* Bamford and Healy, 500*l.* each.

The defendants subsequently impeached this verdict in the court of King's Bench, and after repeated arguments, in which Mr. Hunt continued to act as his own counsel, the court proceeded to give judgment on Monday the 15th of May.

The sentence of the court was, that Mr. Hunt should be imprisoned in Ilchester gaol for the term of two years and six months. At the expiration of that time to find sureties for his good behaviour during a further term of five years, himself in 1000*l.* and two other persons in 500*l.* each. Johnson, Healy, and Bamford, to be imprisoned in Lincoln gaol for the period of one year, and, at the expiration of that time, each to enter into sureties for his good behaviour during five years, himself in 200*l.* and two other persons in 100*l.* each.

LOUVEL,

FOR THE MURDER OF THE DUC DE BERRI,

February 13th, 1820.

THE Duke de Berri was assassinated as he was going out of the Opera House with his duchess, at eleven o'clock on the night of Sunday, the 13th of February, 1820. After handing her into the carriage, he was returning to the theatre himself, when a man of the name of Louvel, forcibly grasped his shoulder, and plunged into his bosom up to the handle, a dagger six inches long. The assassin succeeded in getting out of the immediate crowd, but was followed and secured.

The duke was carried back into a room of the theatre, and laid upon benches and cushions; when the wound proved to be mortal. His father, the Count d'Artois, came to see him, and was followed by the rest of the royal family, and lastly by the king. At six

o'clock in the morning his majesty saw his grandson expire.

When the Duke de Berri was placed on the bed, his first words were—"*My daughter and the Bishop of Anglée.*"—When the infant princess was brought to him, in her cradle, he kissed the babe and gave it his benediction, pronouncing these words :—"Poor infant, *I wish that you may be more fortunate than the rest of my family.*" The efforts of the medical men succeeded in abating the sufferings of the prince by bleeding in one of the arms, and in both the feet; but all hopes of recovery were vain. The prince himself felt convinced of his situation, and expressed his conviction of it several times to Dr. Dupuytron. —"I am thoroughly sensible of your attentions, but they cannot prolong my life. My wound is mortal."

Louvel was brought on the 15th before the body of the murdered prince, when the following questions and answers are said to have taken place :—

Do you know again the prince whom you assassinated ?—I do know him again. I require you once more to reveal the names of your accomplices ?—I have none. If the justice of man cannot induce you to tell the truth, reflect on the justice of God !—God is merely a word ; he never came upon the earth. What could induce you to commit an action so guilty ?—I wished to have refrained from it but it was beyond my power to do so. What was your motive ?—It will serve as a lesson to the great men of my country. Do you persist in saying that no person inspired you with the idea of this crime ?—Yes ! Moreover, it is in the hands of justice : let her, therefore, do her duty, and let her discover those who it is presumed are my accomplices.

The assassin was legally interrogated by M. M. the Count Decaze, Count Angles, and the attorney-general, when the following examination took place :—

What induced you to undertake the crime that you have perpetrated ?—My opinions and sentiments. What are the opinions and sentiments you thus avow ?—My opinion is, that all the Bourbons are tyrants, and, at the same time, the most cruel enemies of France. Why, however, on this supposition, did you attack the Duke of Berri in preference to any one else ?—Because that prince was the youngest branch of the royal family, and him alone who seemed destined to perpetuate a race so inimical to France. Do you feel any regret for the deed ?—None whatever. Have you any instigator—any accomplice ?—None.

Louvel maintained in his cell the same ferocious character. He conversed with his keepers, and described to them, in minute detail, the emotions which he felt during the evening of Sunday. After having dined, he took a walk in the Rue Rameau; he was there when the prince's carriage arrived, but had not taken a position favourable to the execution of his execrable project. He had then an intention of darting on the prince at the moment that he was entering the Opera-door; but he desisted, and put the poniard into his pocket again, fearful of being discovered. He asserted, that he had almost renounced his purpose for that day, but on hearing the footman give orders to the coachman for eleven o'clock, "I thought," said he coolly, "that this would occasion my going too late to bed, and I took a walk to the Palais Royal. At half past ten, however, having taken refreshment at a coffee-house, I decided upon completing the affair that very day. When he was told that he would rank with the most odious assassins, he replied, "Brutus, who delivered his country, was not an assassin."

On Monday, the 5th of June, the trial of Louvel commenced before the House of Peers. At four o'clock in the morning he was conveyed in a hackney coach from the Conciergerie to the Luxemburg palace, in which the peers sit, and was placed under a sure guard, in a place adjoining the chamber, until the high court of peers was opened. Precisely at 10 o'clock, the peers, headed by M. Dambray, the chancellor of France, entered, and took their seats. The officers of the Court, by direction of the chancellor, then brought in Louvel: he was clothed in a brown frock coat: his forehead was bald; his eyes dull and sunken; his cheek bones very prominent; his chin straight and narrow; his complexion saturnine; and his countenance absolutely devoid of expression.

The act of accusation being read to him, the president commenced the following interrogatory:—

Do you recognise this poniard which served for the accomplishment of your crime?—Yes, Sir. Do you recognise this second stiletto, which was seized upon you at the time of your arrest?—Yes, Sir. What induced you to stab the Duke of Berri?—I took away his life in the intention of destroying the race of the Bour-

bons, who, in my mind, caused the misery of the nation. Had you any motive of personal enmity?—None. Why, among all the members of the royal family, did you select the prince who was farthest from the throne?—Because he was the stock [*Souche*]. How long is it since you formed this detestable project?—Since 1814. You said, in your former examinations that you went to Calais in 1814, for the purpose of perpetrating your crime on the person of the king, or of the princes. Do you persist in that declaration?—Yes, I have been in Calais. With the intention of assassinating the king?—No, Sir. The king was at that time in Paris; but I had hoped to meet, on the right or left, some one of the royal family, who might be entering France with the foreign armies. If, since 1814, you entertained this project, why, on returning from Metz, did you, instead of remaining in Paris, proceed to Fontainebleau, and afterwards to the island of Elba? Why did you go to the island of Elba?—I was travelling to obtain work. Had you, at the island of Elba, any communication with Napoleon, or the persons of his household?—Never. Have you ever confided your criminal intentions to any person?—Never. Why, on leaving Elba, did you not return to Paris, where you had left your family; and why did you stop at Chambery until the arrival of Buonaparte in France?—I could not be always travelling. I must stop somewhere to gain my livelihood. I could not travel five or six hundred leagues without working. This instruction apprises us that you returned with Buonaparte's household, whom you met at Lyons. You have worked in his sadlery, and accompanied him in his campaigns. By what means did you obtain admission into the king's service after the hundred days?—By the interest of one of my relatives, who was at the head of a department. Why, when you were attached to the king's service, did you not abandon your frightful intentions?—My resolution was taken. Is it not to perfidious counsels, to pernicious doctrines, to poisonous writings [Louvel suddenly interupting him, "never!"] that you owe the conception of your guilty designs?—I have never spoken to any person upon the subject. If you were not led astray by the polical fanaticism which attached you to Buonaparte, why were you not restrained by a sentiment of honour and religion? Have you any religious principles? Of what religion are you?—I was born in 1783. I am a Catholic. So I now think; but I have changed according to events. At one time a Theophilanthropist, at another a Catholic. If you had escaped, what would you have done?—I should have done the same thing to every Frenchman who had taken arms against his country. Do you then persist in your projects of assassination?—Yes, against all Frenchmen who betrayed their country.

In answer to several other questions, he stated that the last moments of the duke de Berri, opened his eyes to the enormity of his guilt, but he refused to answer whether his heart was touched by it—that religion now could not remedy the crime he had committed—that his chief reading was the Rights of Man and the

Constitution. Being asked, which constitution? he said that of 1789 or the others, for all were alike to him—that he read no newspapers of late, and protested solemnly that he had had no accomplice.

Several witnesses were now examined as to the circumstance of his arrest, and Louvel being asked why he had two poniards, he answered, "that I might succeed the better."

Several witnesses recounted the circumstances of the duke de Berri's last moments, but the re-examinations were frequently interrupted by questions proposed by the peers to Louvel. His answers stated, that he had constantly watched the motions of the princes; that he had had some favourable opportunities of assassinating the duke of Berri at an early period, but that his courage failed him. He went to Calais in 1814, principally to collect the sentiments of the people where the king had passed, "and then to see if I ought to execute my commission."

Previous to trial, Louvel continued apparently indifferent. MM. Archambault and Bonnet repaired to him, to announce to him that they had been officially nominated to defend him, but that nevertheless he was perfectly at liberty to choose other counsel. "Gentlemen," replied Louvel, "I have full confidence in you. Besides, there will be but little to say. I have received a copy of the indictment; I find it correct, and I think you will be satisfied with it." After a pause, he added with as much unconcern as if he had been remarking on the fate of another, "On Monday I shall be tried, on Tuesday I shall receive sentence,—well! all may be over on Wednesday." Several days previously to the visit of his counsel, Louvel said to one of the officers charged with his safety, "I shall doubtless have counsel appointed me!" "Yes," —"Would you defend me, Sir?" "No; your crime is too odious." "Bah!" replied the assassin, "it is these trials which afford scope for counsel to display their eloquence."

On Tuesday the Court resumed the trial, and after a consultation of two hours, the Court declared the accused Guilty, and pronounced upon him the sentence of decapitation, provided by the charter. Whilst they

tied him to the beam he looked round on all sides. At a minute past six o'clock his head was severed from his body. The crowd dispersed without the least disorder.

SIR FRANCIS BURDETT,

FOR A SEDITIOUS LIBEL,

At the Leicester Assizes, March 23d, 1820.

THIS was an information filed by his Majesty's Attorney-general against the defendant, Sir Francis Burdett, for a libel. The first count charged that the defendant, being, &c. and intending, &c. did on the 22d of August, 1819, publish a certain libel.

The count then set out the libel *verbatim*, which was in these words:—

"*To the Electors of Westminster.*

"Gentlemen;—On reading the newspaper this morning, having arrived late yesterday evening, I was filled with shame, grief, and indignation at the account of the blood spilled at Manchester.

"This, then, is the answer of the boroughmongers to the petitioning people—this is the proof of our standing in no need of reform—these the practical blessings of our glorious borough mongers' domination—this the use of a standing army in time of peace. It seems our fathers were not such fools as some would make us believe, in opposing the establishment of a standing army, and sending King William's Dutch guards out of the country. Yet would to Heaven they had been Dutchmen or Switzers, or Hessians, or Hanoverians, or any thing rather than Englishmen, who have done such deeds. What! kill men unarmed, unresisting, and, gracious God! women too! disfigured, maimed, cut down and trampled on by dragoons! Is this England? This a christian land? A land of freedom? Can such things be, and pass by us like a summer cloud, unheeded? Forbid it every drop of English blood in every vein that does not proclaim his owner, bastard. Will the gentlemen of England support, or wink at such proceedings? They have a great stake in their country: they hold great estates, and they are bound in duty and in honour to consider them as retaining fees on the part of their country, for holding its rights and liberties: surely they will at length awake, and find they have duties to perform.

"They never can stand tamely by, as lookers-on, whilst bloody Neros rip open their mother's womb; they must join the general voice, loudly demanding justice and redress; and head public meetings throughout the United Kingdom, to put a stop, in a

commencement, to a reign of terror and of blood; to afford consolation, as far as it can be afforded, and legal redress to the widows and orphans—mutilated victims of this unparalleled and barbarous outrage.

"For this purpose I propose that a meeting should be called in Westminster, which the gentlemen of the committee will arrange, and whose summons I will hold myself in readiness to attend. Whether the penalty of our meeting will be death by military execution, I know not; but this I know, a man can die but once, and never better than in vindicating the laws and liberties of his country.

"Excuse this hasty address. I can scarcely tell what I have written; it may be a libel, or the attorney-general may call it one, just as he pleases. When the Seven Bishops were tried for libel, the army of James II. then encamped on Hounslow Heath, for supporting arbitrary power, gave three cheers on hearing of their acquittal.

"The King, startled at the noise, asked, What's that?' 'Nothing, Sir,' was the answer, but the soldiers shouting at the acquittal of the Seven Bishops. Do you call that nothing? replied the misgiving tyrant; and shortly after abdicated the government.

"'Tis true, James could not inflict the torture on his soldiers—could not tear the living flesh from their bones with the cat-o'-nine tails—could not flay them alive. Be this as it may, our duty is to meet; and England expects every man to do his duty.

"I remain, Gentlemen,
"Most truly and faithfully,
"Your most obedient servant,
"FRANCIS BURDETT."

The information contained other counts, laying the charge in a different manner.

Mr. *Samuel Brooks*, lived at No. 101, Strand, London. He knew the defendant, and was acquainted with his hand-writing. On being shewn the paper in question, he said he believed it to be the hand-writing of the defendant—it came to him through the hands of Mr. Bickersteth, a professional gentleman; it was in an envelope, which had been mislaid—he did not look on the envelope to see whether it had a post-mark on it: the envelope contained no direction to him, but merely to Mr. Bickersteth, to pass it to him. When he received it, he supposed that it was intended that he should publish it. He sent it to several papers, and afterwards saw it in *The Times*, but could not recollect when. The letter was dated the 22d of August, and he believed he might receive it a day or two afterwards.

Mr. *Tooke*, an attorney of London, was then called, and proved the hand-writing of Sir Francis Burdett to the envelope.

W. Simpkin, the keeper of the toll-gate near Kirby, being called, said that he saw Sir Francis Burdett near the gate on the 22d of August, 1819. The gate was about 100 yards from the house of

Sir Francis Burdett. He saw him again on the following day about the same place. This was in the county of Leicester.

The witness having retired from the box, was recalled, and asked some questions by Sir Francis Burdett. He did not know that Kirby farm was on the borders of several counties. He knew that it was in the county of Leicester.

Mr. *Brooks* was called again, and said, that he had inserted the letter of Sir Francis Burdett in several papers, and among others the *British Press*. This paper was produced. When he sent the letter to the newspapers, the publication was left to their own discretion. They were not paid for it.

Mr. Denman submitted that there was no proof whatever of the publication of the letter in question i the county of Leicester. Now he contended that here must be not only proof of publication, but of publication within the proper jurisdiction, before the defendant could be required to answer the charge. The case of the seven bishops was sufficient for his purpose, for if there had been no proof of the delivery of the petition in London, the trial could not have proceeded.

Mr. Justice *Best* was of opinion that the case was fit to be referred to a jury. If he should be wrong the question might be determined on a motion for setting aside the verdict.

Sir *Francis Burdett* said, the first question the jury had to try, was a fact of which there was not a tittle of evidence before them; so far from there being any proof to show that the letter was put into any post-office in Leicestershire, he declared he did not know himself, nor did any of his servants know what office it had been put into; so much was he in the habit of going about to different places, writing letters in different places, and putting them into different post-offices. He next adverted to the unconstitutional power possessed by the Attorney-general of filing *ex-officio* informations. Why did not the Attorney-general send him to a grand jury in Middlesex, and try him there? The reason was, that he despaired of a conviction in Middlesex, and expected he should find men in this county who entertained strong prejudices against him for his supposed political principles.

After dwelling for some time on these topics he entered into an examination of the letter he was charg-

ed with writing; and observed that he could not conceive why it should be considered disaffection in him to lament that soldiers had cut people to pieces; or how it could excite disaffection in the military. He had addressed the letter to his constituents, and to the country gentlemen of England, with the very view of obtaining legal redress. He contended that the Manchester meeting, which was the subject of this letter, was not illegal; for he had been in parliament a quarter of a century, and he always understood that any number of persons might legally meet to present petitions, and it was not until very lately that a noble and learned lord had twisted out some obscure points of law to prove, that a meeting, when it became very numerous, became illegal. Until that declaration was made, all public meetings were considered as legal. In support of this assertion he quoted the opinion that had been given by lord chief justice Holt, who declared that any person who killed another on account of being in a great meeting, was guilty of murder. As to reading the riot act, it ought not to be read till there was a riot; when an hour was allowed to the people to disperse; and there was nothing in such case to justify the sending of military among the rioters.

Mr. *Denman* offered evidence to prove the statements respecting the Manchester meeting.

Mr. Justice *Best* said, that which related to the proceedings at Manchester was irrelevant; he would allow no evidence of what had passed there.

Mr. Sergeant *Vaughan* admitted the legality of the Manchester meeting at its first assembling, but denied that that question could affect the present case.

Mr. Justice *Best* said, he had no hesitation in saying that it was a libel. Nothing occurred that could form any excuse for the most intemperate men, in saying that a reign of terror and blood was commenced in this country. The government rested not on the army, but on the affections of the people. If the paper was calculated to do infinite mischief, that mischief must have been intended. More poisonous ingredients never were condensed in one paper.

The jury conversed together in the box for about

two minutes; the foreman then stepped into his place, and called out, Guilty of Libel.

Mr. *Denman* remarked, that the verdict did not find the publication in Leicestershire.

Mr. Sergeant *Vaughan* contended it did.

Mr. Justice *Best* (to the foreman.)—Do you find the libel published in Leicestershire?

Foreman.—Guilty of libel in Leicestershire.

Mr. Justice *Best.*—Had you not better then find the general verdict, Guilty; that is the common form.

The foreman assented.

This verdict was afterwards impeached in the court of King's Bench, upon several grounds—an irregularity in the impanelling the jury—the exclusion of evidence respecting the transactions at Manchester—a misdirection of the learned judge; and a point which gave occasion for considerable discussion—the want of any proof of a publication in Leicestershire. The case was argued with great learning, through several terms; and the court did not give judgment until Hilary Term, 1821, when all the objections were overruled.—Mr. Justice Bayley dissentient upon the last point.

The defendant was sentenced to a fine of 2000l. and three months' imprisonment in the Marshalsea of the court.

SIR C. WOLSELEY, BART. AND JOS. HARRISON,

FOR SEDITION,

At the Cheshire Assizes, April 10, 1820.

Mr. *Benyon* (the local Attorney-general) rose on the part of the prosecution. The two defendants, Sir Charles Wolseley and Mr. Harrison, were, he said, well known: the first was a gentleman of estate in the county of Stafford, and had inherited a considerable paternal property, together with the rank and title of baronet, which had been conferred upon one of his ancestors in the reign of Charles the First: the second defendant, Mr. Harrison, had been, until

lately, a stranger in the county of Chester; he was, the learned counsel believed, a dissenting minister and a school-master. The meeting was numerous, and was attended by men who had bludgeons in their hands; those bludgeons were not merely carried for show, or for intimidation, but a constable, whom they were pleased to call a spy, was nearly put to death by some persons in the crowd. At a particular house a platform had been erected, upon which the leaders mounted. It having been previously agreed that Sir Charles Wolsely, as a gentleman of rank and property, should be called to the chair, that individual took the chair amidst the acclamations of the crowd: he then opened the meeting, and used the seditious words imputed to him by the present indictment. He said, "that he was in Paris at the beginning of the French Revolution; that he was the first man who made a kick at the Bastile; and he expressed his hopes," and the jury would hear in what direction he then pointed, "that he should be present at the demolition of another bastile." He then abused the ministers of the crown, and said that he could not find terms in which to speak with sufficient detestation of them. There was no impropriety in a peaceable meeting for the purpose of seeking reform in parliament, but the conduct of the meeting on the 28th of July had been calculated, not for the reform of the British constitution, but for the subversion of it.

John Kenyon Winterbottom was a solicitor in Stockport. He saw a public meeting in the town of Stockport, between one and two o'clock on the 28th July last. The place is called Sandy Brow. He should think there were 4000 or 5000 assembled. He was not so near as to observe whether they were strangers or inhabitants. They were quiet at first. Most of them had sticks, which appeared to have been newly cut from hedges. They were not walking sticks. The population is upwards of 20,000. Several persons were on the scaffold. Sir Charles was pointed out to him as one: he knew Mr. Harrison, and saw him there. Mr. Harrison taught a school there. Sir Charles had no connexion that he knew with Stockport. The first thing he observed was a hissing by the whole multitude. The next thing he observed was passing some resolutions. There was a chairman, he believed Sir Charles Wolseley. He heard all distinctly: he only heard Sir Charles say "unanimous," on passing the resolutions: he was in an upper room,

about 100 yards from the scaffold. The people held up their hands; he saw them hold up their sticks, and conjectured that it was on account of the noise made by playing on an organ. He saw no respectable inhabitant of Stockport among them. At the time he entertained no apprehension for peace or property. He conceived that if they continued together till night it would be dangerous. He heard Harrison say "The House of Commons was the people's servants; that it was as absurd to petition them as it would be for a master to petition his groom for his horse. He said that there was a barrier between the throne and the people, which must be removed either by force, from heaven or hell, in order that they might see whether a man or a pig was upon the throne." He thought there was laughter. The expression of derision was general. Harrison said, "the united will of the people was sure to prevail. It was an axiom that could not be confuted. It might be necessary in some cases to petition the House of Lords, who were, by the constitution, placed in a different situation to the House of Commons; but in the present corrupt state of things it was useless, and he would not recommend it." He did not remember any thing else. The discourse was certainly received with applause. Sir Charles Wolseley was on the same stage, not two yards from Harrison.

Cross-examined by Mr. Pearson.—He was perhaps less, perhaps more, than 100 yards distant. There were women, about 100 or 200. Perhaps there were children, he did not see any. He had not a remarkable memory; he was not accustomed to attend meetings. His attention was not particularly called to Mr. Harrison. He heard him very distinctly.

Here Mr. *Pearson* read a speech of Harrison's from a newspaper, and asked the witness to repeat it after him.

Mr. Sergeant *Marshall* said, that it was not proper to read that.

Mr. *Pearson* said, he would have taken any other piece of writing as soon. His object was to try the witness' memory.

Witness said, he could not repeat it.

Thomas Bolton.—He saw a number of country people come into the town of Stockport on the 28th of July. Those that passed his house were country people. They had nothing more than usual. He was at the meeting. He saw a flag at the meeting: on one side was "No Corn Bill," on the other, "Universal Suffrage, and Vote by Ballot." He had seen it first furled, and when Sir Charles arrived it was lowered. He was first thirty yards from the hustings, and he then got within ten yards. He knew the Rev. Mr. Harrison, Willan, Fitton, Knight, and Johnson, whom he saw on the hustings with Sir Charles Wolseley. Harrison at one time stood next to Sir Charles. Both appeared to bear part in a conversation that was going on. Sir Charles on

his arrival was received with loud huzzas. The first attention he paid was to Sir. Charles: he heard what he said. He made a minute about an hour after, and could state that Sir Charles had said what he had there noted. [He was allowed to read it.] "He was happy in addressing the people of Stockport from Sandy Brow; it was a place consecrated to liberty by the absence of friends he would have been happy to meet there; and he trusted Sandy Brow would be more famed in history than the field of Waterloo. Was there a peace-officer present, he trusted they came to keep the peace, and not to break it. But was there any of your spies, your note-taking or black-book gentry; tell your employers, the tools of a Castlereagh and Sidmouth, that I hate them, that I detest them—that I eternally execrate them. He was proud to say, that he was at the taking of the Bastile in France; he should be happy to be at the taking of a Bastile in England." He saw nothing but the action of speaking with force and energy. "And were all hearts but as firm in the cause as his own, they would soon put an end to the present tyranny and corruption." He heard Mr. Harrison, but took no note of it, and now recollected nothing of it. Before he had gone to the meeting he saw a man taken to druggist's shop with his head much broken—and blood flowing down his cheeks.

Eight other witnesses were examined to the same effect.

Mr. *Pearson* said, that the question before the jury was not a political question, nor was a political dissertation from him (Mr. Pearson) to be expected. The whole question which it was the duty of the jury to decide, was strictly of a legal, and not at all of a political, nature. The charge of conspiracy, the learned counsel thought, scarce deserved an argument. A conspiracy, forsooth, between two men who had not been proved to have met until a few moments before the time at which their offence was alleged to have been committed. The other part of the indictment would depend entirely upon the question whether the meeting of the 28th was a legal or an illegal meeting; and he would refer them at once to the opinion of Mr. Sergeant Hawkins, who had been declared by the same learned judge to whom he had before alluded, to be the best writer upon the subject. The opinion of Mr. Sergeant Hawkins was this—"that any meeting of a number of people under circumstances to create fears and jealousies in the minds of the king's subjects, is an illegal meeting." What then were the resolutions which had been passed at that meeting?

He (Mr. Pearson) would venture to declare that even from the partial detail of those resolutions which had been given by the witnesess for the prosecution, nothing would appear by which his client could be affected. Of reform, whatever might be his opinion, he would here say nothing. It was a legitimate topic of discussion. The acts of the last parliament were a distinct admission that meetings of that kind were legal before. It had been laid down by that upright and impartial judge, Mr. Justice Bayley, that if there were 60,000, it was not, therefore, an unlawful assembly. Here there had been none of the circumstances proved to have taken place at the meeting at Manchester. If a constable was hurt, it was before Sir Charles came; even if it were not, how could he be answerable for that more than for a pickpocket who might steal property in the crowd? Sticks for convenience, or even parade, were not unlawful. If they were held up, so were hats. But in no shape were they connected with his client. As to the cap of liberty and the flag, they were aware that at York, where such things were proved to have existed to a much greater extent, Mr. Hunt was acquitted in every count, similar to what they were trying at present.

Mr. *Harrison* began to address the jury with the utmost composure; he continued to read with great composure, uttering anathemas from time to time, as particular passages excited his displeasure. "Time and experience have from age to age added new bulwarks to public liberty." New bulwarks! Were the five new bills that had passed last session new bulwarks to public liberty? "The people have a right to petition for the redress of their grievances; but they must exercise that right in a legal and constitutional manner." And yet, for the exercise of that right it was that he now stood in his present trying predicament. Mark the *buts!* The people have a right, *but* they must not exert it. They may have as many rights as they please, *but* the moment they seek to exercise them they are forfeited. He would tell the jury that he held in his hand a help unhoped for. It was a little book, intituled "Remarks upon the Indictment of Sir Charles Wolseley and Mr. Harrison."

It was written by Jeremy Bentham, the greatest lawyer in the world. There was also an article in the Edinburgh Review worthy the attention of the jury. It treated of tumult, the offence of which he (the defendant) was accused. The article was written by another great lawyer, Mr. Brougham. Mr. Brougham there defended tumult; and proved that it was not for the good of the public that tumultuous meetings should be extinguished. Whether the verdict should be guilty or not guilty, he cared but little on his own account; but should say, in either event, the will of the law be done.

The defendant spoke four hours in the whole.

Jeremiah Garnett, a reporter to *Wheeler's Manchester Chronicle*, attended to report the proceedings; had no doubt 5000 persons were present. There was one circumstance which alarmed him about the meeting; a person in the employ of Mr. Nadin was knocked down: that was before Sir Charles Wolseley came: he felt no other alarm.

Did you hear the words from Sir Charles Wolseley, "Unite your strength, for in a few weeks the struggle will be made and ended?"—I did not.

Robert Thomas Hampson, a reporter for *Wardle's Manchester Observer*. Did not hear Sir Charles Wolseley say, that in a few weeks the struggle would be made and ended: should probably have heard it if it had been said.

Cross-examined.—Remembered Harrison saying it was as foolish to petition the House of Commons, as if a master were to go down upon his knees to entreat his menial servant to do that duty for which he was engaged and paid. Thinks Harrison said something like—"to petition them as they are, is absolute folly." Harrison said, "it is a grand principle that a whole nation cannot err; and if there be a thousand walls between us and our prince, we will blow them down either to heaven or hell:" these were not the precise words, but that was the substance. Harrison said, "and let us see what sort of an animal sits upon the throne." When Harrison said this Sir Charles Wolseley was four or five yards from him. After this Sir C. Wolseley spoke.

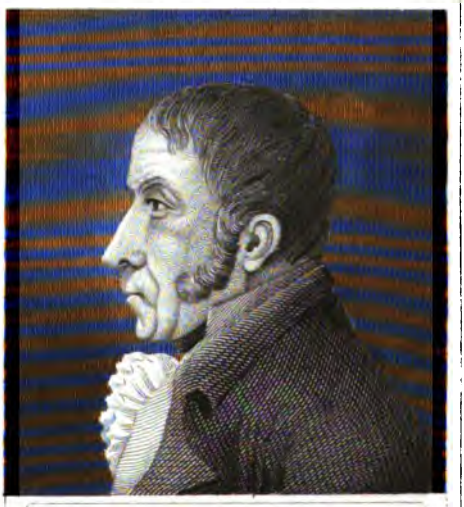
Did he say any thing about the Bastile?—He said that he had assisted in taking the Bastile: he said he would not desist from his exertions in the cause of the people; and there was something like English Bastiles, which I do not remember.

The *Chief-Justice* then commenced his charge to the jury.—From Mr. Harrison's expression that it was as absurd to petition the House of Commons as for a gentleman to petition his groom for his horse, it was manifest that the object was not to petition parliament,

or to obtain a reform by legitimate means. After Welsh's evidence respecting the allusion to the Bastile, he left it to them to judge whether the only meaning that could be put upon the words, in justice and fairness to the defendant, was not the meaning put upon them by the Attorney-general. Sir Charles Wolseley said, that if all their hearts were as firm as his, they would soon put an end to the present tyranny and corruption. Did these words require explanation? His lordship then read the evidence, as to the words used by Harrison, "that there were ten thousand walls between the throne and the people, and they should all be blown up to heaven or to hell." This speech had been received with acclamations! His lordship then proceeded to observe upon the resolutions of the meeting. It had been resolved that Lord Sidmouth was guilty of high treason. Lord Sidmouth was holding a high and responsible situation in the country; and it had been stated to 5000 men, with sticks in their hands, that Lord Sidmouth was guilty of high treason; and that statement had been received with shouts of applause.

The jury consulted for about two minutes, when they desired to retire. The indictment was handed to them. They retired at one o'clock, and returned in about three-quarters of an hour with a verdict of Guilty against Sir Charles Wolseley and Joseph Harrison.

Sir Charles Wolseley was sentenced to eighteen months' imprisonment in Abingdon-gaol; at the expiration of that time to enter into sureties for his good behaviour, himself in 1000l. and two other persons in 500l. each.—Mr. Harrison to be imprisoned for a term of eighteen months (to be computed from the expiration of his current imprisonment) in the castle of Chester; and, at the expiration of his imprisonment, to enter into securities for his good behaviour during five years, himself in 200l. and two other persons in 100l. each.



ARTHUR THISTLEWOOD.

Fisher & Buckley & Sold Strand.

ARTHUR THISTLEWOOD, JAMES INGS, JOHN THOMAS BRUNT, RICHARD TIDD, WILLIAM DAVIDSON, AND OTHERS,

FOR HIGH-TREASON.

AT THE SESSIONS HOUSE, OLD BAILEY,

Between the 17th and 28th of April, 1820.

On Monday the 27th of March, the commission was opened at the Sessions House, Clerkenwell-Green, by the Lord Chief-justice Abbott, and the Lord Chief-justice of the Common Pleas; when a Grand Jury was sworn, who, on the following day, returned true bills of indictment against Arthur Thistlewood, William Davidson, James Ings, John Thomas Brunt, Richard Tidd, James William Wilson, John Harrison, Richard Bradburn, John Shaw Strange, James Gilchrist, and Charles Cooper, for High-Treason. On the 29th other bills were found for the murder and felony.

Monday, April the 17th, Arthur Thistlewood was put upon his trial.

The *Attorney-general* stated the case for the crown. The prisoner at the bar had for some time conceived the wicked and nefarious plan of overturning the government so long established in this country; and it will appear to you that several, nay, all of the persons mentioned in the indictment, were participators in the same design; some of them, probably, coming into that purpose and design at a later period than others, but all of them concurring in the last criminal event which led to their detection. The more heinous the crime the more studious of secrecy will the criminals always be; and if you establish the principle that guilt is not to be exposed, and punished by the evidence of those who have participated in it, you will spread an immunity over crimes, secure, and inviolable in proportion to the enormity of their wickedness. But I assure you the case does not rest upon the testimony of Adams, Hidon, and Dwyer, the accomplices; but there are facts which I fear the pri-

soner will not be able to answer. Why, I would ask, were these men assembled in Cato-street, and why at night? There were none of them related to each other, yet they were all armed with deadly weapons, and found in close deliberation in an obscure stable. There were also found there a quantity of destructive grenades and fire-balls, together with a large portion of ammunition. But this is not all. At the houses of two others of the conspirators, namely, Brunt and Tidd, there were found similar articles of destruction, particularly ammunition. The weight found of the latter, gentlemen, amounted to between eleven and twelve hundred pounds; and I would ask, in the name of God, what object could these men have had in the possession of such a quantity of ammunition? Surely it could not even be for individual murder! No, gentlemen, it was the destruction of his majesty's ministers in the first place, the burning and levelling of public barracks and edifices in the next, and finally, the establishment of a revolution, and the appointment of a provisional government. What was the conduct of the prisoners when they were discovered in Cato-street? I want not, gentlemen, by a repetition of this term to inflame your minds; but it will be extremely important for you to remember, that when the officers entered the loft there, and said we are officers, they submitted not to their authority, but resisted them, even in the most ferocious manner, and one officer unfortunately lost his life. What became of the prisoner on the 23d, the intended night of blood and slaughter? Why, he flies from the desperate scene, not to his own home, but to an obscure place of concealment.

Evidence for the Crown.

Robert Adams, examined by the Solicitor-General.—I live in Hole-in-the-Wall Passage, Brook's Market; I am a shoemaker. I was in the royal regiment of horse-guards. I left that service eighteen years since. I know the prisoner Brunt. I knew him at Cambray, in France, in 1816; he went then by the name of Thomas Morton. I know the prisoner Thistlewood—I first knew him on the 13th of January last;—I saw him at his own lodgings in Stanhope Street, Clare Market; I was introduced to him by Brunt and Ings; Thistlewood said to me, you were once in the life-guards? I said no. I originally belonged to the blues. He

then said, you are a good swordsman? I said I could use a sword to defend myself, but I was not so good at it as heretofore, not having used a sword or other arms for some time back. On this he said—there was no person that was worth ten pounds that was worth any thing for the good of his country. As for the shopkeepers of London, they were a set of aristocrats together, and were all working under one system of government; he should glory to see the day that all the shops were shut and well plundered. His discourse then turned to Mr. Hunt—he said that Mr. Hunt was a coward, and no friend to the people, and he had no doubt if he (Thistlewood) was to get into Whitehall, he would find his name on the books as a spy to government. He then turned to Mr. Cobbett, and said that he and his writings were no good to the country, and he had no doubt he was a spy as well as Hunt. I was afterwards confined in Whitecross Street Prison for debt, previous to which several interviews took place between us. The next interview was on the 16th, at the White Hart public house, in Brook's Market; Ings, Brunt, Hall, and Tidd were present—we met in a room in the back yard.

On the 17th I went to prison—I remained there fourteen days; I came out on Sunday, the day after the death of the King. After I came out I saw Thistlewood on the next evening in a back room on the same floor of a house in which Brunt lived, in Fox's Court, Gray's-inn Lane; Brunt, Ings, Hall, and Davidson were present; nothing particular took place on that night. I met them again on the Wednesday evening. Thistlewood, Brunt, Davidson, Harrison, and Edwards were present. On this occasion I saw a number of pike-staves, which Thistlewood wanted to have ferruled. Thistlewood expressed his surprise that Bradburn (one of the prisoners) had not done it. The staves were quite green, as if they had been just cut from the cover. Thistlewood then accused Bradburn of having spent the money. These meetings were held twice a day, from the time I came out of prison to the 23d of February. Brunt had hired the room in which they met for Ings—there was no furniture. I recollect at one of these meetings I went up to the room; Thistlewood and Harrison were sitting at the fire. Harrison said, he had met a Life-guardsman, who told him that the Life-guards and as many of the Foot-guards as could be spared, would be at the funeral of the King at Windsor. He then added, that he thought this would be a favourable opportunity to kick up a row, and see what could be done. Thistlewood said yes; and remarked, that provided they could take the two pieces of cannon in Gray's-inn Lane, and the six pieces in the Artillery-ground, they would have the means of getting London in their possession before morning. And even if the guards were to come back, they would be so tired that they could not do any thing. By perseverance, if they got the cannon, they might go to Hyde Park, and prevent any orderly from having any communication with Windsor. He said, it would be also necessary to go to the telegraph over the water, to prevent any communication with Woolwich. By this time they should be able to establish a provisional government, and would have an opportu-

nity of sending to the seaports to prevent any gentleman from leaving this country without a passport from this provisional government. He mentioned Dover, Deal, and Margate, and especially Brighton; not that he thought the new king would be there, or even at the funeral of his father, he was so ill. He added, that the present family had inherited the crown long enough; it was no use, therefore, for the new King to think of wearing the crown any longer. Brunt and Ings came in after this discourse. Thistlewood communicated to them what had been said, but both of them declared that nothing short of the assassination of ministers would satisfy them.—Brunt told me, that two or three of them had drawn out a plan to assassinate ministers at the first cabinet dinner they had. The parties never scarcely met but that was the subject of their conversation.

On the 19th of February I went again to the room in Fox-court; Thistlewood, Davidson, Harrison, Ings, Brunt, and Hall were there. When I went in they all got up and said—"Well, it is agreed; we have come to the determination, if nothing takes place between this and next Wednesday night, we will go to work." It was said they were all so poor they could not wait any longer. Thistlewood said to Brunt, you had better go round this afternoon, and see what men you can bring forward to attend the committee. Brunt said, he had some work to finish, but that he would get up in the morning and get a few, as it was not necessary to bring a great many. Thistlewood said, it would be prudent in those who came in the morning to bring arms with them, in case any officer should come up. Brunt said with an oath, if any officer came up, he would run him through. On the next morning I went at eleven o'clock—it was so dark, from a heavy fall of snow, that I did not at first see who was there; but after some time I saw Thistlewood, Davidson, Tidd, Cook, Hall, Bradburn, Edwards, Harrison, and Wilson; Tidd took the chair, with a pike in his hand. Thistlewood said, Gentlemen, I presume you all know what you are met for, and turning to the door he said, the west-end job. Thistlewood then said, we are all of us tired of waiting for this job, if we do not find them altogether between this and Wednesday night, we are come to a determination to take them separately at their own houses.

I suppose, continued he, we can take as much as forty or fifty men to do the west-end job—and I propose at the same time, that the two pieces of cannon in Gray's-inn-lane, and the six pieces of cannon in the Artillery-ground, shall be taken. He then called upon Cook to command at the taking of the six pieces of cannon at the Artillery Ground. After these were taken he proposed that the Mansion-house should be taken, as a seat for the provisional government; then they were to make a descent on the Bank of England—and he proposed that Palin should be the man to set fire to the different buildings in the several parts of London. Brunt proposed, that as many of the ministers as they could assassinate, should be assassinated on Wednesday, at all events, and that the men who were willing to undertake the job should be divided in lots. A man was to be drawn for the sole purpose of

assassinating the party they went to; and whoever that fell upon, that man should be bound to do it, or be murdered himself; should he fail in doing of it, he swore by all that was good that man should be run through upon the spot. Upon this I said to Mr. Brunt, "Do you mean to say that a man may not fail in undertaking such a thing—and do you mean to say, that a man in so failing shall be run through upon the spot himself?" He said, "No, unless there was the least sign of fear." Mr. Brunt's motion was then put from the chair, and agreed to: some others came in, and were apprised of the resolution. Palin got up and said, "You talk of taking from 40 to 50 men to the west-end job; I should like to know, then, where you are to find the men to take the cannon; but you may know more on the subject than I do. I want to know also," said he, "in calling upon the men I intend to go to, if I can tell them in fact what is to be done?" The chairman replied, "that no doubt Mr. Palin knew the men he had to depend upon." They were then going to separate, when Mr. Thistlewood said, "Brunt, take Mr. Palin to the place hard by, and see whether he could set fire to Furnival's-inn." Palin and Brunt soon returned, saying, "it was very easy done, and would make a good fire." Thistlewood said, "He thought it was highly necessary to give the men a treat." Brunt said, with an oath, although poor he had a pound note, which he would apply to that purpose. The White Hart was proposed and objected to, in consequence of something which had been said of that place; but it was finally agreed they should be brought to Brunt's room, who was too send his son and apprentice out of the way. Thistlewood's room was mentioned, but he objected, as an officer lived nearly opposite to him.

On Monday I went again to the room about ten A. M. Thistlewood, Brunt, Harrison, Hall, Ings, and others were present. I said, I had something to communicate, and told them that Hobbs, the landlord of the White Hart, had told me that two officers had called from Bow Street and Hatton Garden, and asked whether a radical meeting did not take place there? The officers said, they had information that there was, and that there was similar information given at Lord Sidmouth's office. Harrison on this said to me, like a bull-dog, Adams, you have done wrong. Brunt also said, like a lion, I had done wrong, for if I had any thing to communicate I ought to have communicated it to them alone. I said what concerned all, ought to be communicated to all. Potter and I went to the White Hart, where Palin and Bradburn came to us. I went again the next morning; Brunt, Ings, Hall, Davidson, Harrison, Wilson, Palin, Potter, and Bradburn were there. Edwards came in, and told Thistlewood there was to be a cabinet dinner next night. Thistlewood doubted it, and a newspaper was sent for; it contained an account that there was to be a cabinet dinner at Lord Harrowby's, in Grovesnor Square, on Wednesday evening. On this Brunt said, "I'll be d——d if I don't believe now that there is a God; I have often prayed that these thieves might be collected together in order to give us a good opportunity to destroy them, and now God has answered my prayer. I was put in the chair, and Thistlewood proposed to form a fresh

plan. I called to their recollection what Hobbs had said to me the day before. On this Harrison swore that the first man that said a word to throw cold water on the concern he would run that man through with his sword. (They were all in the greatest confusion.) I was put out of the chair, and Tidd was put in. Thistlewood wanted to proceed in the business, when Palin said, he wanted to be satisfied as to what had fallen from me on the previous morning. On this, in the end, Brunt moved that a watch should be set on the Earl of Harrowby's that night, to see if any men or soldiers, went into the house, in order to waylay any body that might go there. That was approved of; two were to go on at six and remain till nine, and to be regularly relieved every two hours. Thistlewood then came forward and said, he hoped every one would be satisfied if no officers or soldiers went into the house; and that they would do what they thought of the next evening. He then said, "that as there had not been a dinner so long, there would no doubt be fourteen or sixteen there, and it would be a rare haul to murder them altogether." He afterwards proposed that one should go with a note to present to the Earl of Harrowby, and when the door was open the other men to rush in and seize the servants, and threaten them with death if they stirred. This being done, men were to take the command of different parts of the house, to prevent the escape of the servants, and if they attempted to stir to throw a lighted hand-grenade among them. Two men were also to be placed at the area for the same purpose. At the same time the men who were to do the assassination, were to rush into the room in which the cabinet ministers were, and to murder them all, good and bad: if there were any good ones they were to be murdered for keeping bad company. Ings offered to enter the room first, with a brace of pistols, a cutlass, and knife in his pocket, and with a determination to cut off every head there, and to bring away Lord Castlereagh's and Lord Sidmouth's heads in a bag, which he was to have for the purpose. He said he would say on entering the room, "Well, my lords, I have got as good men here as the Manchester Yeomanry! enter, citizens, and do your duty!"

Upon this word of command from Ings, two swordsmen, followed by others with pikes and pistols, were to come in and to fall to work murdering as fast as they could. Harrison was one swordsman, and I was the other. Harrison had been in the Life-guards. Seeing my life was in danger I agreed to it. After the execution had been done, Harrison and Wilson were to go to the King Street cavalry barracks, and to take a fire-ball to fling into the straw shed. The rest of the party were to proceed to Gray's-inn-lane, to the city light horse barracks, to meet the men who were to take the cannon, to assist them. They were to proceed from thence to the Artillery-ground, to assist Mr. Cooke in taking the six cannon. The cannon were to be loaded, to be fired on any person who might be disposed to resist. If Cooke was able to take the cannon himself, he was to proceed to the Mansion-house, and to plant three of them on each side of that building. He was then to demand possession of the Mansion-house, and if

it was refused, he was to fire at it. The Mansion-house was to be the seat of the provisional government. An attack was to be made on the Bank. The funds were to be removed, but the books were not to be destroyed, as they would enable them to see further into the villany practised on the country for years past. Harrison proposed that there should be a countersign, one man was to say "*but*" and the other "*ton*," which was "button." In the afternoon I went to the house again, and found Edwards making a fuse for the grenades. Ings was making the illumination balls, with rope-yarn and tar; Hall was assisting. I called again the same evening, and saw two strange men, one of whom was Harris. Brunt and Thistlewood were there.

Davidson went on watch at Lord Harrowby's, at six o'clock. I and Brunt afterwards went. When we got to the square I saw Davidson and another man whom I did not know. Before we went into the square Brunt and I had some bread and cheese at a public-house. Brunt played dominoes with a young man. We went off the watch at twelve o'clock. On the next day I went again between two and three; Brunt was in his own room, and while I was there Strange came in. A few minutes after two strangers came in. I turned my head and saw some pistols in a drawer. Strange and the men that came in tried the flints. Brunt then invited them into the back room. On going there I saw several swords, a blunderbuss, several pistols, and other arms; the strangers began putting flints into the pistols. They had not been long there before Thistlewood, Ings, and Hall came in; Thistlewood looked round, and said, "My lads, this looks like something; this looks as if something is going to be done. Brunt sent out for some beer and spirits. When the spirits came Thistlewood wanted some paper to write some bills, and gave a shilling to buy it: some cartridge paper was brought, and a chair and table for Thistlewood to write on. Three bills were written by him and read. The first was:—

"*Your tyrants are destroyed. The friends of liberty are called upon to come forward. The provisional government is now sitting.*

"JAMES INGS, *Secretary.*

"*February* 23, 1820."

There were three of these written; they were to be stuck on the houses which were on fire. When Thistlewood wrote the last of these bills, he was very much agitated; his hand shook greatly. He then proposed that Hall should take the pen, but Hall objected. A stranger afterwards took the pen, and sat down to write. Thistlewood dictated to him. The paper was not completed, because they could not agree upon the terms. Thistlewood said he had given orders to have the bills prepared a fortnight before, but they had not been done.

While these bills were writing, Ings was preparing himself in the manner in which he was to enter the house of Earl Harrowby. He put on a black belt round his waist and another over his shoulders; he also put on two bags like haversacks, and then pistols in his belts—he afterwards looked at himself, and said,

"D——n my eyes, I am not complete now; I've forgot my steel." He then took out a large knife, and brandished it about, as if he were cutting off heads: he then swore, that he would bring away two heads in his bags, and one of Lord Castlereagh's hands, which he would cure (salt,) as it might be thought a good deal of hereafter. He repeatedly made use of these expressions. The knife was twelve inches long, with a rough handle, round which there was some wax-end to prevent it from slipping in the hand. The other men were equally busy in equipping themselves. Palin came in about half-past five. Thistlewood and Brunt having left the room for a short time, Palin addressed those who were present, and said, "Gentlemen, are you all aware of what you are going to do? you ought to think whether the assassination of ministers will be countenanced by your country. And you ought to come to a resolution that the man who flinches ought to be run through upon the spot." He was going on, when a tall man said, you speak as if we all knew what you are about. I should like to know what it is. This man was a stranger. He said to Palin, if we turn out to serve our country, I am not the man that will be afraid of myself. Brunt came back, and was told that some of those present wished to know what they were going about? Brunt replied, that they should go along with him to the room in Edgeware-road, and they should hear all. Brunt then said, all that came with him should have something to drink. The tall stranger said he hoped he was not going to encourage drunkenness. It was agreed to go in parties of two. There was a cupboard in Brunt's room, which was used to hold swords, hand-grenades, and flannel bags for the cartridges for the cannons. But the depôt was at Tidd's, next room to myself.

When we set off, I had a blunderbuss under my great coat, and Brunt had a broom stick, prepared to receive a bayonet; this he also gave me to carry. At the depôt were some pikes, made out of old files, or bayonets. Brunt went back, but I afterwards met him, and he took me along the Edgeware-road till we met Thistlewood. We then went to a stable in Cato-street. As I was going under the archway, I saw Thistlewood and Brunt go into the stable. Harrison came up, and said, "Go in." When I entered I saw Davidson and Wilson, apparently doing something with a pike. I went up the ladder, and in the loft found Thistlewood, Brunt, Hall, Bradburn, Strange, Cooper, the tall man I have already alluded to, and several others. In the end there were eighteen in the room and two down stairs. There was a bench in the loft, on which there were arms of different descriptions. There was one candle, there was also a chest in the room; when I first went in, they were all handling the arms; Tidd did not come for twenty minutes after; Thistlewood went out for some time, but on his coming back I heard Tidd talking. I went down, and found Thistlewood, Brunt, Davidson, Harrison, and Wilson in the stable. When they perceived me, they said in a fluster, what good news they had got, for all the carriages were assembling in the square—when I went up again, I saw Thistlewood and Brunt together much agitated; they were talking something about

Tidd, when Thistlewood uttered an exclamation that "he would hang himself if he thought any more about it." Brunt said he would lay his life that Tidd would come, and he did come in a few minutes. Thistlewood then said I hope you will not give up what you have determined on; it will be another Despard job if you do. He then counted the men, and said there were quite sufficient Fourteen men could go into the room. Thistlewood said that they were quite enough, even if Lord Harrowby had sixteen servants. Immediately after I heard a noise below, and somebody said, "Holloa, hold a light." Thistlewood took the candle to see who it was, and turning round, he looked quite confused. At this time the officers entered the room. Two stood in front. One of the officers had a small pistol in his hand, and said, "Here's a pretty nest of you." The officer also said, "We have got a warrant to apprehend you all, and hope you'll go peaceably." At this instant, one of the officers behind said, "Make way, and let me come forward." The two officers above made way, and the man came forward, and at that moment a group that had got into a little room of the loft, advanced forward, when I saw an arm come forward, and another arm follow it with a pistol. I saw the officer fall, and heard a pistol discharged, upon which the candle was put out; I went down the ladder, and got away; I went home, and was apprehended on the Friday following; I have been in custody ever since. The witness now identified Thistlewood, Davidson, Wilson, Brunt, Ings, Cooper, Harrison, and Tidd. He did not know Strange, Bradburn, or Gilchrist by name, though he knew them by sight.

I told all I knew on the Saturday after I was apprehended; not upon an understanding that I was to become an evidence. The reason for my telling all I knew was, that my conscience told me I had been doing wrong, and I vowed to God if he spared me, I would reveal the whole. I had some of those feelings before I was in custody. I had it before I entered the loft; but when I heard the man was murdered I was worse. I went down stairs with the intention to surrender myself to the officers, but not seeing any I went away. The most men I ever saw together, were fifteen. The largest sum of money I ever saw amongst them was six shillings. I do not know what force could be brought into the field. The cannon were to be loaded with powder, and the tops of some of the iron railings were to be knocked off for balls. I have not seen Edwards since the 22d of February. He seemed in close connexion with Thistlewood and Brunt. My own arm was not within sufficient reach to stab Smithers.

Thomas Hidon. I was a cow-keeper, and formerly a member of a shoe-maker's club, where I knew the prisoner Wilson. I saw him at the club a few days before the 23d of February; he asked me if I would come forward, and be one of a party to destroy his majesty's ministers (these were his words) at a cabinet dinner. Every thing was, he said, prepared for the occasion, and the dinner was at hand. If I would join them, he said, Mr. Thistlewood would be glad to speak to me. He also stated, that hand-grenades were prepared for throwing under the dinner-table, and

that the ministers who escaped the explosion were to die by the sword, or some other weapon. They were also to fire some houses, and create a general confusion to distract the public attention for three days, by which time all would be arranged. The fires were to be at stations fixed upon, and among them were to be the houses of the Duke of Wellington, Lord Harrowby, Lord Castlereagh, Lord Sidmouth, the Bishop of London, and some others, which I now forget; this was four or five days before the Cato-street occurrence. I went to Lord Harrowby's house before the 23d of February, to inform his lordship of what was going on. He was out, and I followed him to the Park, where the servant said he had gone; I met him there, and gave him, while he was riding, a note containing the whole plot. I met Wilson about 5 o'clock in the evening of the 23d of February; he said I was the man of all others he wanted to see; he told me that the business was to be done that night at a cabinet dinner, and begged of me to meet him as soon as I could on that evening, at the Horse and Groom, John-street; he told me that we were to have the aid of another party in the Borough, and that all the Irish in Gee's-court, Oxford-street, were in the plan; but they would not stir until the English did first, as they had so often been deceived before. Wilson said, a gentleman's servant had been supporting some of the party, and would give them more money if they went actively through the business. He explained to me, that after we did the grand piece of work in Grosvenor-square, we were to retreat into the city as quick as we could, and rally at the Mansion-house. I promised to join him as soon as I possibly could. I went accordingly at seven o'clock, and saw Wilson and Davidson; the latter complained I was after my time.

The *Earl* of *Harrowby*. I reside in Grosvenor-square. I am president of the council, and a member of the cabinet. On Wednesday, the 23d of February, I was to have had at my house a cabinet dinner, and cards of invitation had been issued to the following personages:—the Lord Chancellor, the Earls of Liverpool, Westmorland, and Mulgrave, Earl Bathurst, the Duke of Wellington, Lord Melville, Lord Castlereagh, the Chancellor of the Exchequer, Mr. Canning, Mr. Wellesley Pole, Mr. Robinson, and Mr. Bragge Bathurst. At a cabinet dinner none but the members of the cabinet were invited. On the Tuesday before the intended dinner, I was riding in the Park about two o'clock, preparatory to my attending a council. I had no servant with me. A person addressed me near Grosvenor-gate, and said he had a letter addressed to Lord Castlereagh. The letter now in court is that letter. The man, who was the last witness, at my desire gave me his address. He met me, by appointment, on Wednesday morning, in the ring, in Hyde Park. The cabinet dinner did not take place as intended on the Wednesday, but the preparations for it were carried on in my house just as if it was to take place; nor did I countermand them until eight o'clock on that evening, when I wrote a note to my head servant, from Lord Liverpool's.

John Monument. This witness was brought into court by two yeomen of the guard from the Tower.—I am a shoemaker, and

lived near Brook's-market. I know Thistlewood; he called on me with Brunt, and said that great events were at hand; he had often been promised the support of many who deceived him, but that now he had got men who would stand by him. He observed, all had got arms—some had swords, others pikes or pistols, and that I might get a pistol for 5s. I answered that I had no money. Well, then, said he, I shall see about it. Brunt came to me on the 22d of February, accompanied by Tidd; he told me, that events had often rendered a change of plan necessary, but that now all was fixed. He desired me to go on the next night to Tyburn Turnpike; I was to speak to some people there; I was to say BUT, and if they were friends they were to say TON. Brunt called again on the afternoon of the 23d, between four and five, and asked if I was then ready to go. I promised to do so at six o'clock. At half-past six o'clock I went to Tidd's house. I saw him there—he took a large pistol out of a trunk, and fastened it in a belt round his waist under his great coat. He also took out about ten pikes, a foot long each, and some staves to fix them on. We then went together up to John-street; on the way I pressed to know where we were going, whether it was to the House of Commons; he replied, no, there were too many soldiers about that place. At last he told me we were going to a cabinet dinner in Grosvenor-square. We went to Cato-street, and I ascended the steps from the stable to the loft, which was a small one. There were twenty-four or twenty-five men in the room. One man, in a brown great coat, who was sitting down, and who had a belt with pistols in it, round him, talked of the impropriety of attacking the cabinet ministers at Lord Harrowby's with fourteen men. Thistlewood insisted, that number would be an overmatch for sixteen of Lord H.'s servants. One man said, after we are done, there will be a crowd about the door—how shall we get away? Thistlewood said there would be another body ready to assist us. Davidson rebuked the man who talked of the fourteen men, and said, if he was afraid, he had better go about his business. Brunt also said, that sooner than now throw up the business, he would do it himself, and blow up the house with the combustibles they had, and perish with the rest. The man who was objecting, then said, that as all were ready, he would join also, and go under Mr. Thistlewood's orders. Thistlewood said they would all share equally with him in the honour of the exploit; and then proposed that fourteen should volunteer to go into the dinner-room, that those who were ready to do so, should file off at the side of the loft—a number did so. Thistlewood then went out for a minute, and when he returned, said, that Lord Sidmouth and the Duke of Wellington were already arrived at Lord Harrowby's. Nothing else occurred until the officers and soldiers came up, and took us into custody.

Thomas Dwyer. I live in Gee's-court. Before the 23d of February I became acquainted with Davidson. He introduced me to Mr. Thistlewood. We went together to a public-house, near Cato-street, the 9th, 10th, or 11th of February. Thistlewood said that he was in five or six different revolutions, and that Ireland

was in a disturbed state. I am an Irishman; and he said that he had a good many of my countrymen. I saw Davidson on the 22d. The next morning I went to Fox-court, Gray's-Inn-lane; Davidson told me he was going on sentry; I went with Harrison to Fox-court; he had a bundle wrapped up in paper; we went to a two-pair back room; the door was locked when we got there, but Harrison got the key; when we got in, I saw a cupboard, from which I afterwards saw a ball taken, wrapped up in rope yarn; Harrison said it was a grenade; Thistlewood, Davidson, and a few more came in subsequently; Davidson had a blunderbuss, a pair of pistols, and a bayonet, in his side pocket; I saw Brunt there; Thistlewood said that some of the grenades were to be thrown into the horse barracks, and some more of them into Lord Harrowby's, to set fire to the house and blow it up. Thistlewood asked me how many of my countrymen I could muster, at half-past eight that evening? I said about twenty-six or twenty-seven; he told me to assemble with them at the Horse and Groom, and that I was to be at the Pomfret Castle, at six o'clock, at the end of Wigmore-street, a house frequented by Irishmen; we were then to go to the Foundling Hospital, put a pistol to the porter's breast, and then to turn round to the right hand, where I would see five or six and twenty stand of arms, which I was to seize—another party was to seize two pieces of cannon at the City Riding School, Gray's-Inn-lane—more he said would make a breach in Finsbury; he said that there was to be a cabinet dinner at Lord Harrowby's that day, and that they were to make an attack there. After this I saw a bundle taken out of the cupboard; it contained gunpowder, which was measured into some flannel bags; I got into my own place about twelve o'clock; I that day told a Major James of what I had heard and seen. In consequence of what he said to me, I went to the Secretary of State's, about one or half-past one.

George Thomas Joseph Ruthven. I am a constable at the public-office, Bow-street. I went to Cato-street on the afternoon of the 23d of February. My party amounted to at least twelve. I went into the stable, and I saw a man with a blunderbuss or a gun on his shoulder, and a sword, or some side arm. My party followed me into the stable. I found a ladder, up which I went; it led to a loft in which I observed several men. I heard the clattering of arms, and saw swords and pistols. Three or four had come up with me. Ellis and Smithers were up. There were about four or five and twenty persons in the room. The size of the room was fifteen feet five one way, and fifteen feet ten the other. There were two rooms adjoining the loft, communicating by doors. When I gained the loft, I said, "We are officers, leave your arms!" I saw in the room the prisoner Thistlewood. I had been acquainted with his person between four and five years. He was standing on the right-hand side of the table, near to the little room, as we entered. Immediately on my exclamation, he seized a sword from the table, and stood back into the little room. The sword was drawn when he seized it. It was a very long sword, rather bright. He stood fencing with the sword to pre-

vent any body coming to him. Smithers approached him, upon which he thrust his arm forward, and pierced Smithers, who fell. Smithers said, as he fell, "Oh, my God; I am done!" The lights were put out, when somebody said, from the corner of the room where Thistlewood was, "Kill the ——; throw them down." There were eight lights; they were all put out, and we were all in the dark. I heard a rush to the ladder, and a cry of "Aye, kill them." I joined in their cry, and rushed down with them. On getting down, I did not observe any thing till I got into John-street, where I found the soldiers. I then returned. There were twenty or thirty shots fired; some in the room, and some from the window. On my return, I observed a man going to the door. I called out, and he lifted his arm to fire. That was Tidd. I caught hold of his right arm, and we closed and fell. The soldiers came up instantly, and the pistol went off. He was secured, and I searched him. Round his waist I found a leathern belt of a buff colour; in his pocket two ball cartridges. I searched him in the public-house. While there Bradburn was brought in. I searched him and found round his waist a string wrapped four or five times round to answer for a belt. I also found six ball cartridges and three balls in his pocket. Davidson and Wilson were afterwards brought in. When Davidson was brought in, he swore against any man that would not die in liberty's cause, for he would; he also sung part of the song of "Scots' wha ha'e wi' Wallace bled." I returned to the loft, and found some soldiers there. Shaw, Strange, Cooper, Monument, and Gilchrist, were also there. On looking about, I saw arms in the possession of different people. I searched myself, and found two swords, and a bag, containing ten hand grenades. There were also two papers wrapped up containing nothing but tow and tar. There was likewise a very large grenade, as big as my hat. These grenades had fuses. The arms and grenades were subsequently taken to Bow-street.

Captain Fitzclarence. I recollect on the 23d of February, going with a piquet to John-street. I had been desired to attend by Mr. Birnie; it was between eight and a quarter after eight when I arrived; I heard a pistol shot, and led on the piquet to Cato-street; there is an arch over the entrance; I met a police-officer, who called out "Soldiers, soldiers;—the door-way;" I went to the stable; I met two men in the door-way, one on the right, the other on my left; one of them cut at me with a sword, the other attempted to fire at me with a pistol; the man who cut at me, seeing the body of troops behind me, ran into the stable. There was a scuffle between the other man and Serjeant Legg. I pursued the first man into the stable, who exclaimed, "Don't kill me, and I'll tell you all." I gave him to the piquet. I then ran into one of the stalls, and secured a second man. I afterwards caused a file of grenadiers to follow me into the loft, where we secured three, four, or five other men—I believe four. Smithers was lying dead, and several sorts of arms were lying about.

The Defence.

Mr. Curwood now rose to address the jury on the

part of the prisoner. This was the question which they had to try. First, had the prisoners at the bar conspired or imagined the death of the king? then, had they conspired to depose his majesty from his imperial style and dignity?—thirdly, had they conspired to levy war against the king? he apprehended that they must be satisfied that one or the other of these charges was proved before they could find a verdict of guilty. The great mass of evidence which had been adduced certainly led them to conclude that a conspiracy of some kind had existed; but it did not follow that the substantive treason charged in the indictment had therefore been committed. Would it be contended, that this removal of an administration was necessarily connected with the deposition of the monarch, and that every man who attempted to effect such a purpose would be involved in the crime of high treason? More violent men might think it necessary that an administration should be removed by violence. He desired not to be misunderstood, as meaning under that plea to justify assassination. All he meant to argue was, that they must not take it as a necessary consequence that the death or destruction of a whole administration involved the death and deposition of the king. In conclusion, the learned gentleman said, he would proceed to call a witness to prove that Adams, who had been called for the crown, together with an accomplice of the name of Edwards, who had not been called, were the persons who had conveyed the arms and ammunition to the house of Tidd on the very morning they had been found there by the Bow-street officers.

Mary Parker. I am the daughter of Richard Tidd; I remember the police-officers coming and finding some things in our lodgings; those things had been in the house when they came, about a quarter of an hour; I know a person of the name of Edwards: I have also seen him at my father's often; he has brought similar things before; Edwards took part away; Adams brought a large grenade; I do not know where Edwards was.

Edward Hucklestone. I know a man of the name of Dwyer. I do not think he is to be believed on his oath.

Mr. James Doane, I am called the court reporter. [Looked at the announcement in the New Times.] The paragraph respecting the cabinet-dinner, from the wording, I think I did not send. I do not think I would use the word "grand."

Andrew Mitchell. I am printer of "The New Times;" I produce the original of the paragraph.

Mr. Doane recalled. That is not my manuscript.

John Whitaker. I searched in eleven newspapers, in none of which papers was there such an announcement as that in "The New Times."

The *Lord Chief Justice* stated to the jury, in a strong and perspicuous manner, the law of high treason, as it existed both in the statute of Edward III. and in the more recent statute of the 36th of the late king. He then recapitulated the four charges contained in the indictment against the prisoner, and the several overt acts alleged to have been committed in furtherance of their design. He then read over the material points of the evidence.

At three quarters of an hour after four o'clock, the jury retired to consider of their verdict. They returned, however, in ten minutes, for the purpose of requesting the lord chief justice to read to them the precise terms of the statute of the 36th of George III. His lordship having complied with their wish, and made some explanatory observations, they again retired. At a quarter past five they returned once more, with their final determination, and announced their verdict to be—*Guilty of the third and fourth counts of the indictment*:—that was to say, on those counts which charged the prisoner with conspiring to levy war, and with the actual levying of war against the king.

Wednesday, April 19.

TRIAL OF INGS.

The *Solicitor General* stated the case for the prosecution.

Robert Adams, the accomplice, was first called for the crown. His testimony was, for the most part, similar to that already given. He added, that there was a conversation about the illness of the present king; Thistlewood said he would rather the new king lived a little while longer, but it was not their intention he should ever wear the crown. Ings upon this said, that the very day the Prince Regent last went to parliament, he himself went to the Park for the purpose of shooting him; and as a test of his sincerity, he said, "There's the pistol I took with me." He regretted he had not done it, and if he had he should not have cared a farthing for his own life.

The other witnesses deposed as on Thistlewood's

trial, with the exception of Dwyer, who was not called.

Mr. Adolphus rose and addressed the jury. He earnestly requested the jury not to give credence to the evidence of the witness, Adams. If upon such infamous testimony men were to be sacrificed, he contended that they might soon see another Judge Jeffreys on the bench, and another Titus Oates in the witness' box!

Ings, turning towards the jury, addressed them at some length. He said he had lived at Portsea, but not being able to keep his wife and family, had come to London. He set up as a butcher in Baker-street, but failed. He was then in great distress, when he met Edwards, who urged him to join the conspiracy, and was the cause of his being brought to his present situation. He concluded by saying, "I have a wife and four little children. I was driven to every distress. I hope, gentlemen, before you find a verdict, this man will be brought forward, because I consider myself a murdered man. Edwards came to me. I did not go to him. I was once at a public-house in Brooks-court; but I never was at any meeting at all. I was at no radical meeting. I was not at any Smithfield meeting. That man, Adams, who has got out of the halter himself by accusing others falsely, would hang his God. I would sooner die, if I had 500 lives, than be the means of hanging other men."

The *Attorney General* replied for the crown.—*Chief Justice Dallas* summoned up.—Verdict—*Guilty*.

Monday, April 24.

TRIAL OF BRUNT.

At nine o'clock the Chief Baron, Mr. Baron Garrow, and Mr. Justice Richardson, took their seats.

The *Attorney General* stated the case.

The evidence was substantially the same as in the two former cases.

The proceedings were in the evening adjourned till the next day, when

Mr. Curwood rose to address the jury on the part of the prisoner and was followed by *Mr. Adolphus*.

Brunt then rose, and with a firm voice, stated the

origin of his acquaintance with the witness Adams, and attempted to impeach the whole of the witnesses, who had appeared against him. He alluded to a person (Edwards) in the list of witnesses on the part of the crown, whose name had often been mentioned in the course of those proceedings, but who had not been called upon. He declared that he had been seduced by this man, and had often received refreshment of meat and drink at his expense. Whatever might be his fate, he would not die unworthy a descendant of the Ancient Britons.

The jury retired, and in about ten minutes returned with a verdict of *Guilty* on the third and fourth counts.

Wednesday, April 26.

TIDD and DAVIDSON.

The witnesses for the crown were examined in nearly the same order as on the trial of Thistlewood; and nothing new was elicited by their evidence.

William Davidson, on being asked if he wished to say any thing in his defence, said, that he had a numerous family looking to him for support. He then, laying his hand upon his heart, declared his entire innocence of the crime imputed to him: he stated, that because he was a man of colour, it did not follow that he was a monster in the creation, void of feeling and understanding. He quoted from Pope's ***Universal Prayer,*** and also referred to the passage concerning false witnesses, which he delivered from the Bible. He had known Lord Harrowby for many years; and should have shuddered at the idea of joining in any plot in which his life was concerned.

Richard Tidd now entered into a detail respecting his having been brought into his awful situation by the machinations of Edwards. Edwards conducted him to Cato-street, and in about a quarter of an hour the officers entered. He finished by a declaration of his total ignorance of the plot, and therefore of his consequent innocence.

The ***Attorney General*** replied, and ***Mr. Baron Garrow*** summoned up the evidence. The jury retired at eight o'clock for more than half an hour; and on

their return pronounced against both prisoners—*Guilty* upon the third count, levying war against the king.

Wilson, Harrison, Bradburn, Strange, Cooper, and Gilchrist, severally desired to withdraw their former plea, and on its being withdrawn, pleaded Guilty.

Mr. Shelton then asked *Thistlewood* what he had to say why sentence of death should not be passed upon him; and he thus addressed the court:—

"My lords;—I am asked my Lord, what I have to say that judgment of death should not be passed upon me according to law. This to me is mockery; for were the reasons I could offer, incontrovertible, and were they enforced even by the eloquence of a Cicero, still would the vengeance of my Lords Castlereagh and Sidmouth be satiated only in the purple stream which circulates through a heart more enthusiastically vibrating to every impulse of patriotism and honour, than that of any of those privileged traitors to their country, who lord it over the lives and property of the sovereign people with barefaced impunity. The reasons which I have, however, I will now state—not that I entertain the slightest hope from your sense of justice, or from your pity. The former is swallowed up in your ambition, or rather by the servility you descend to, to obtain the object of that ambition—the latter I despise. Justice I demand. If I am denied it, your pity is no equivalent. In the first place,

"I protest against the proceedings upon my trial; which I conceive to be grossly partial, and contrary to the very spirit of justice; but, alas! the judges who have heretofore been considered the counsel of the accused, are now, without exception, in all cases between the crown and the people, the most implacable enemies of the latter. In every instance the judge charges the jury to find the subject guilty: nay, in one instance, the jury received a reprimand, and that not in the genteelest terms, for not strictly obeying the imperious mandate from the Bench.

"The court decided upon my trial to commit murder rather than depart in the slightest degree from its usual forms. Nay, it is with me a question if the form is usual which precluded me from examining witnesses to prove the infamy of Adams, of Hiden, and of Dwyer. Ere the solicitor-general replied to the address of my counsel, I applied to the court to hear my witnesses. The court inhumanly refused. And I am in consequence to be consigned to the scaffold. Numerous have been the instances in which this rule of court has been infringed; but to have infringed it in my case, would have been to incur the displeasure of the court, and to forfeit every aspiring hope of promotion. A few hours hence and I shall be no more; but the nightly breeze which will whistle over the silent grave that shall protect me from its keenness, will bear to your restless pillow the memory of one who lived but for his country, and died when liberty and justice had been driven from its confines by a set of villains, whose thirst

for blood is only to be equalled by their activity in plunder. For life, as it respects myself, I care not; but while yet I may, I would rescue my memory from the calumny which I doubt not will be industriously heaped upon it, when it will be no longer in my power to protect it.

"I would explain the motives which induced me to conspire against the ministers of his majesty, and I would contrast them with those which these very ministers have acted upon in leading me to my ruin.

"Many people who are acquainted with the barefaced manner in which I was plundered by my Lord Sidmouth, will, perhaps, imagine that personal motives instigated me to the deed; but I disclaim them. My very principle was for the prosperity of my country. My every feeling,—the height of my ambition was the welfare of my starving countrymen. I keenly felt for their miseries; but when their miseries were laughed at, and when, because they dared to express those miseries, they were inhumanly trampled upon, my feelings became too intense, too excessive for endurance, and I resolved on vengeance—I resolved that the lives of the instigators, should be the requiem to the souls of the murdered innocents.

"In this mood I met with George Edwards. This Edwards, poor and pennyless, lived near Picket-street, in the Strand, sometime ago, without a bed to lie upon, or a chair to sit in. Straw was his resting place; his only covering a blanket. Owing to his bad character, and his swindling conduct, he was driven from thence by his landlord. It is not my intention to trace him through his immorality—suffice it to say, that he was in every sense of the word a villain of the deepest atrocity. His landlord refused to give him a character. Some short time after this, he called upon his landlord again; but mark the change in his appearance—dressed like a lord, in all the folly of the reigning fashion. He now described himself as the right heir to a German Baron, who had been some time dead; That Lords Castlereagh and Sidmouth had acknowledged his claims to the title and property, had interfered in his behalf with the German government, and supplied him with money to support his rank in society. From this period I date his career as a government spy.

"He got himself an introduction to the Spenceans—by what means I am not aware of—and thus he became acquainted with the reformers in general. When I met with Edwards after the massacre at Manchester, he described himself as very poor; and after several interviews, he proposed a plan for blowing up the House of Commons.

"I had witnesses in court, who could prove they went to Cato-street, by appointment with Edwards, with no other knowledge or motive than that of passing an evening amongst his friends. I could also have proved that subsequent to the fatal transaction, when we met in Holborn, he endeavoured to induce two or three of my companions to set fire to houses and buildings, in various parts of the metropolis. I could prove that subsequent to that again, he endeavoured to induce men to throw hand-grenades into the carriages of ministers as they passed through the streets;

and yet this man, the contriver, the instigator, the entrapper, is screened from justice and from exposure, by those very men who seek vengeance against the victims of his and their villainy.

"High treason was committed against the people at Manchester; but justice was closed against the mutilated, the maimed, and the friends of those who were upon that occasion indiscriminately massacred. The prince, by the advice of his ministers, thanked the murderers, still reeking in the gore of their victims. If one spark of honour, if one spark of independence, still glimmered in the breasts of Englishmen, they would have risen as one man; insurrection then became a public duty, and the blood of the victims should have been the watchword for vengeance on their murderers."—

Chief-Justice. We cannot permit this.

Thistlewood—"My lords, a few words more. Albion is still in the chains of slavery—I quit it without regret—I shall soon be consigned to the grave—my body will be immured beneath the soil whereon I first drew breath. My only sorrow is that the soil should be a theatre for slaves, for cowards, and for despots. My motives, I doubt not, will hereafter be justly appreciated. I will, therefore, now conclude my stating, that I shall consider myself as murdered, if I am to be executed on the verdict obtained against me, by the refusal of the court to hear my evidence. I could have proved Dwyer to have been a villain of the blackest dye, for, since my trial, an accomplice of his, named Arnold, has been capitally convicted at this very bar, for obtaining money under circumstances of an infamous nature. I seek not pity; I demand but justice; I have not had a fair trial, and upon that ground, I protest that judgment ought not to be passed against me."

Mr. Shelton next addressed himself to *Davidson*, and put to him the same question. *Davidson* spoke an address of some length, of which the following is the purport:—

"My lords;—I stand here helpless and friendless. I endeavoured to show that the evidence against me was contradictory and incredible, and I hoped I had made an impression on the gentlemen in the box; but the moment I had done, the attorney-general got up, and told them that the evidence was pure and uncontaminated, and to this I may add, that Mr. Baron Garrow almost insisted that they should pronounce me guilty. But even supposing, for the sake of argument, that the lives of his majesty's ministers were threatened, it did not follow that this was to extend to the king himself. In a passage of Magna Charta, it was ordained that twenty-five barons should be nominated to see that the terms of the charter were not infringed; and if it was found that his majesty's ministers were guilty of such infringement, then four barons were to call upon them for redress. If this were not granted then, the four barons were to return to their brethren, by whom the people were to be called together to take up arms, and assert their rights. Such an act was not considered in old times as an act of treason towards the king. I was entrapped by Goldworthy

and Edwards, in order for some private purposes of their own, that they might have my life sworn away. I have no objection to tender my life in the service of my country; but let me at least, for the sake of my children, save my character from the disgrace of dying a traitor. For my children only do I feel, and when I think of them I am deprived of utterance—I can say no more."

James Ings was next asked what he had to say why he should not receive judgment to die? He replied,

"I have very little to say, my abilities will not allow me to speak. If Mr. Edwards had not got acquainted with me I should not be here; he came to me, unfortunately, when I had no business, nor no means of getting a living for my family. It is only through Edwards that I shall lose my life. I do not mind dying, if you will let that man come forward, and die with me on the scaffold. It was through him that I was going to do that which I must allow, was of a most disgraceful and inhuman nature. On the other hand, his majesty's ministers conspire together and impose laws to starve me and my family and fellow countrymen; and if I was going to assassinate these ministers, I do not see that it is so bad as starvation, in my opinion, my lord. The Manchester yeomanry rode in among, and cut down men, women, and children. They had their swords ground, and I had a sword ground also. I shall suffer, no doubt; but I hope my children will live to see justice done to their bleeding country."

John Thomas Brunt was next called upon, and spoke:—

"My lords and gentlemen: I am precluded from saying much. Whatever impression I made on the jury yesterday was knocked down by the Solicitor-general, who appears to me, by his sophistical eloquence, to be capable of making the worst of crimes appear a virtue. Of all the infamous characters on earth, Edwards is the worst; and yet he has been kept altogether out of the view of the court. He it was that furnished the arms, and he it was that goaded us on to our own ruin." He next adverted to the conduct of Lords Castlereagh and Sidmouth; "they," he said, "had been the cause of the death of millions, and although he admitted he had conspired to put such men out of the world, still he did not think that amounted to high-treason. In undertaking to kill Lord Castlereagh, Lord Sidmouth, and their fellow ministers, he did not expect to save his life—he was determined to die a martyr in his country's cause, and to avenge the innocent blood shed at Manchester." In conclusion, he said "he was willing to suffer for the acts which he had contemplated; but it grieved him to think that he was to suffer for a crime of which he was innocent, viz. high-treason."

The prisoner spoke with great vehemence.

Richard Tidd was the next called upon. He spoke as follows:—

"All I can say is, and I positively swear it, that the evidence

that has come before you, with the exception of Captain Fitzclarence, is utterly false."

James Wilson, *John Harrison*, and *John Shaw Strange* said a few words each.

James Gilchrist.—"On the Wednesday evening at four o'clock I knew nothing about this business. I was going to look for work, and had neither money nor bread. So I went to what I was told to be a supper of radicals. [Here the prisoner was overcome by his feelings.] At six o'clock I met C. Cooper, who was the only man I knew, and I borrowed a halfpenny of him, which, with another, enabled me to get a pennyworth of bread, and this I eat very sweet. I wish I may never come out of this place if I tell false. We then went into the stable and up stairs, where there were some bread and cheese. I took an old sword and hewed down the loaf, of which others, who were as hungry as me, partook. I then asked what all these arms were about, and when I heard, I was so shocked, that I determined to get away as fast as I could. I served my king and country for twelve years, and this is the recompense. Oh, God! I have nothing more to say."

Charles Cooper protested his innocence.

Lord Chief-Justice *Abbot* pronounced sentence in the usual form.

The prisoners were then removed from the bar. They did not seem much affected, but departed with great firmness and resignation.

On Saturday the 29th, a privy council was held to receive the report of the proceedings under the special commission, at which his majesty and all the cabinet ministers were present; the judges who tried the prisoners also attended. The common sergeant having read over his notes, the council, after two hours deliberation, resolved that the execution of Arthur Thistlewood, John T. Brunt, James Ings, William Davidson, and Richard Tidd, should take place on Monday the 1st of May, and that the six remaining prisoners should be respited during his majesty's pleasure.

During nearly the whole of the night preceding their execution, the wretched men slept soundly, and were only awakened by the unbarring of their cell doors to admit the ordinary, whose zeal to convert them from their avowed tenets of deism, prompted him to visit the gaol in the dead of the night.

On the arrival of the sheriffs and their attendants in the press-yard, the culprits were brought out, and from

the disposition evinced by four of them, it was deemed prudent their arms should be pinioned in the usual way, before their irons were struck off.

Thistlewood came first, with his eyes fixed, as it were, abstracted in thought, and apparently lost to his situation.

Tidd walked next, and seemed somewhat affected by his situation. He tried, however, to assume an indifference to his fate, and was frequently rallied by Ings for his depression.

Ings came next, laughing without reserve.

Brunt next advanced, and with a sullen and morose air, surveyed the officers who were conducting him to his fate.

Davidson came last, with clasped hands and uplifted eyes, praying most devoutly; and the officers of the gaol closed the procession.

On their arrival at the lodge, leading to the scaffold, a moment's pause took place, while the dreadful apparatus of death was adjusted without.

Thistlewood, who stood first, clasped his lips, and with a frown surveyed, from the door-way in which he stood, the awful preparation for his fate.

Tidd was next summoned to the scaffold.

Ings seized Tidd's hand at the moment he was going out, and exclaimed, with a burst of laughter, "Give us your hand! Good bye!"

A tear stood in Tidd's eye, and his lips involuntarily muttered, "My wife and ——!"

Ings proceeded—"Come, my old cock-of-wax, keep up your spirits, it all will be over soon."

Tidd immediately squeezed his hand, and rushed towards the stairs leading to the scaffold. He was received with three cheers from the crowd, in which he made a faint effort to join.

A humane individual who stood by, remonstrated with Brunt again, and beseeched him to ask pardon of God. *Brunt*, with a fierce and savage air, surveyed his adviser contemptuously, and exclaimed,—"What have I done? I have done nothing? what should I ask pardon for?" "Well done Brunt," exclaimed Ings, and was proceeding to sing

"O! Give me death or liberty!"

when he was summoned to the scaffold. He turned to Brunt, and with a smile upon his countenance, shook hands with him, and prepared to go.

While he stood on the edge of the steps, at the door of the gaol, he said to Davis, one of the Turnkeys, "Well, Mr. Davis, I am going to find out this great secret;" and then springing on the scaffold, exclaimed "Good bye, gentlemen! Here goes the remains of an unfortunate man."

Brunt now stood by himself, and muttered about the injustice of his fate; but he appeared to wish to ascend the scaffold next.

Davidson, however, was summoned before him.

Brunt now appeared considerably irritated. "I suppose," said he, "they are afraid I should say something to the people, because I spoke my mind on the trial."

The composure of *Davidson*, particularly on Sunday, on taking leave of his wife, was of the most extraordinary description. He declared that this day would be the happiest of his life.

The conduct of *Ings*, too violent and hardened as it had been, was interrupted once by something like a feeling of nature. On entering the lodge, before he ascended the scaffold, some person told him to be firm; when he ejaculated, "Firm! I am firm; but we have children, Sir."

The last act of *Brunt* was to take a pinch of snuff from a paper which he held in his hand. He stooped to put it to his nose, and this he was only able to effect by pushing up the night cap which hung over his face. He also threw off his shoes.

Ings, when the handkerchief was tied over his eyes, cried out, "I hope, Mr. Cotton, you will give me a good character" Mr. Cotton bowed. Ings then commenced swinging about in his hand an old night-cap, in the most careless manner.

Tidd's lips were in motion just before he was turned off, as if in prayer. *Davidson* was in the most fervent prayer.

Exactly half an hour after they had been turned off, the order was given to cut the bodies down, and the

ceremony of decapitation provoked a lively expression of horror and disgust from the assembled multitude.

The streets in the neighbourhood of the dismal spectacle were lined with a strong cavalry force; and a very considerable addition of military of all arms, was made to the usual garrison of the metropolis during the trials, and up to the end of the execution.

THE REV. JOSEPH HARRISON,

FOR SEDITIOUS WORDS IN A SERMON,

At Chester, April 18, 1820.

THE indictment in this case charged that the defendant, Joseph Harrison, being an evil disposed person, did, upon the 15th of August, 1819, unlawfully and seditiously, with intent, &c. utter the following words: "That the government had starved the people; and that it was right that the people should starve the government." That it is necessary for all three of the estates, King, Lords, and Commons, to make laws, which cannot afterwards be altered, but by the same consent. That the Commons House was the house of assembly of the people, where their rights should be protected; but that, when the people asked for their rights, they threatened to make war upon them. Can laws proceeding from such a source, be called the laws of the land? Or is it fit that we should obey them?"

The following witnesses were then called:

Matthew Cowper is a public accountant in Manchester. On the 15th of August, (Sunday) went to Stockport, to attend a lecture advertised at the Windmill-rooms upon that day. When he got there, found Mr. Harrison preaching to a large concourse of persons. Harrison had begun preaching before witness could get into the room, therefore he had not heard the beginning of his discourse. Witness went there on purpose to take notes. Was instructed by the magistrates of Manchester to do so. Could not take notes in the room on account of the crowd. Took his notes at the Bulkely-Arms, within a quarter of an hour after he left the room. The first head on which he heard Mr. Harrison lecture was upon the propriety of living soberly. Under that head Harrison called upon the friends of reform generally to abstain from the use of tea, coffee, tobacco, and other exciseable articles; that, defendant said, was the only sure way of causing the reform which they sought. Harrison added, "The government have starved

the people; and, therefore, it is fit that the people should starve the government." That ended the discourse upon the head of sobriety. The next head was on the advantage of living righteously. Mr. Harrison said the word righteously applied as well to the rich as to the poor; to the governors as to the governed. He then stated that the constitution of England consisted of king, lords, and commons. He added, that it was necessary for all the three estates to make laws, which could not be altered but by the same consent; that the Commons House, was the house of assembly of the people, where their rights ought to be protected; but when people asked for their rights, they threatened to make war. He added, Can laws proceeding from such a source be considered the law of the land, or is it fit we should obey them? Witness was at Manchester next day. There were 100,000 people at that meeting (the Manchester meeting). Stockport is only six miles distant from Manchester.

Several other witnesses proved the use of the same expressions by the prisoner.

Stanley Harrison, John Burgess, Robert Jump, and *Randall Wilkinson,* deposed to the loyal tendency of the sermon which formed the subject of the indictment.

The jury considered for about five minutes, and returned a verdict of—*Guilty.*

Mr. Harrison was again brought up for trial, when Mr. *Manly* opened the proceedings. He stated this to be an indictment against the defendant for using the following words seditiously, and with a view to bring the government into contempt:—" Kings, princes, dukes, lords, commons, parliaments, archbishops, bishops, prelates, rectors, high-constables, constables, sheriffs, deputy-constables, and bailiffs, are all corrupt, and the time is near at hand when they will be upset. The people should rise *en masse* to suppress such a tyrannical government as the one of this country; and it will not be long, but very soon, that it shall be overturned, and many a bloody battle may be fought, and many an one incarcerated in prison, before it shall be accomplished."

The words were charged to have been uttered by the prisoner, in an evening sermon on the 5th of December, 1819. The case was proved by Mr. John Robinson, who, as the prisoner observed, was very drunk, and who provoked several reproofs from the bench; and by Mr. James Whalley.

The prisoner made a long defence.

The learned judge summed up the evidence, and after about ten minutes' deliberation, the jury returned a verdict of *Guilty*.

The *Chief Justice* proceeded immediately to pass sentence: For the second indictment on which he had been convicted he should be imprisoned twelve calendar months in the common gaol. For the third indictment, he should be imprisoned twelve calendar months, commencing from the expiration of the first term: and that at the termination of his imprisonment he should find two sureties for his good behaviour for two years, in 100l. each, and himself in 200l. and be further imprisoned till such security be found.

ANDREW HARDIE,

FOR HIGH TREASON, AT STIRLING

July 13, 1820.

The *Lord-Advocate* opened the prosecution. Having finished his address, the witnesses for the crown were called.

John Rennie, a private in the Kilsyth troop of yeomanry.—He accompanied his troop, about the beginning of April, to a place called Bonnymuir, where were collected a number of people in arms, among whom was the prisoner Hardie and others, now at the bar. [Here the witness identified them separately.] As soon as the troop was within gun-shot, they commenced firing upon the troops; but they at last succeeded in making them lay down their arms, and in apprehending the prisoners at the bar, whom they took to Stirling Castle. They made a great deal of resistance before they were apprehended; and there were several shots fired.

James Hardie, esq. sheriff depute of the county of Lanark; remembers on the first Monday of April last, that his attention was attracted by a crowd at a watchman's box, at the corner of Duke-street, Glasgow, who were listening to a man who was reading to them a paper aloud; and among the rest was Hardie, the prisoner at the bar. Upon coming to the spot he stepped and offered to pull it down, but Hardie got between him and the watchman's box and pushed him off. He told Hardie he was a magistrate, and that, as it was a most improper paper which they were reading, he must take it down. On this Hardie seized him a second time, and thrust him off, saying, he would lose the last drop of his blood before he would let him take it down; on which he

desisted from his attempt. He identified a paper shown him to be a copy of what he had read at the watchman's box. Remembers, on the day after seeing this address posted up, the town was filled with tumultuary crowds from one end to the other, and the people shut their shops about four in the afternoon. On Wednesday he saw a company of men walking through the streets in military order. In Bridgeton he saw about a hundred of these addresses pasted against the walls.

Alexander Robertson was a spectator of the skirmish which took place between the party at Bonnymuir and the king's troops. The men were sitting on a hill when the cavalry approached; and, on seeing them draw near, they pulled off their hats and waved them in the air, and then ran down to a dyke (wall) at the foot of the hill, behind which they posted themselves in a stooping posture and began to fire on the troops in an irregular manner. Is certain no shot was fired by the cavalry before the attack was made by these men: could see nothing afterwards but a cloud of smoke.

Lieutenant Hodgson was then called, and deposed, that he set out with a party of military for Bonnymuir, on the 5th of April last. After they had got near that place, they saw a party of men armed, apparently with long sticks, at a short distance. Upon approaching them they ran down from a hill where they stood, and stationed themselves behind a wall. He thought the main body of them might have escaped if they chose. When they were about fifty yards from them, they fired two or three shots at their party. Their arms consisted principally of pikes. He advanced to them, and bade them five or six times to lay down their arms; and, on their ceasing to fire, he ordered his own party to cease firing also: they did not, however, lay down their arms; and, on his passing to the other side of the wall, one, who appeared to be their leader, presented a short musket at him; on which he, (the witness) flashed his own pistol at him. He cannot say whether Baird drew the trigger of his musket at him or not; two men thrust at him with pikes at the same time. He was wounded on the hand, and his horse killed. The serjeant of the 10th hussars was also wounded. He remembers others in the battle besides Baird, viz. Hardie, Murchin, Gray, Hart, and Johnston. Baird appeared to be more active than the rest, and also to be better dressed.

Mr. Jeffrey then rose and addressed the jury on behalf of the prisoner Hardie, in a speech of great length. He admitted, that the prisoner was chargeable with great guilt; and did not pretend to dispute that he had been taken in arms, for the purpose of resisting the laws, but this he said was not high treason. A party of men may assault the king's forces from various motives apart from treasonable ones. They may assault them from motives of revenge for personal or public wrongs, unconnected with any thing political; from some cause originating in a private

quarrel; from zeal to avert an arrest, or from a hundred other reasons altogether unconnected with a treasonable purpose—no doubt many of them criminal in a high degree, but none of them involving the crime of high treason. There was, he said, no instance that would illustrate this so well as the case of smugglers, by whom attacks are often made upon the king's troops in the prosecution of their illicit traffic; and, so far from any attack of this kind involving treason, in by far the greatest number of cases where resistance to the military takes place, there exists a private motive, altogether apart from the least tincture of a treasonable design.

If the prisoner at the bar had been proved to have made a speech approving the tenor of the seditious bill, or that he adopted it as his creed, or that he attended committees, and the like, he should now tremble for his fate; but of this there was no evidence. Besides, there was no legal proof that the paper produced by Hardie was a copy of the one he heard read to the crowd, and attempted to pull down. Mr. Hardie (said the learned gentleman) comes forward at the time when one of the crowd was reading it, and offers to pull it down, saying he is a magistrate. The prisoner, eager with curiosity, is naturally incensed at such an interruption from a stranger, and pushes him off. It was absurd to suppose that a body of men, so inadequate in number to accomplish the treasonable purpose of deposing the king, or forcing him or his government to change his measures, should be so mad as to engage in such a hopeless attempt.

The *Lord Advocate* replied, and the Lord President having summed up the evidence, and explained the law, the jury returned a verdict of—*Guilty*.

MAJOR CARTWRIGHT, T. J. WOOLER, EDMONDS, LEWIS, AND MADDOCKS,

FOR CONSPIRACY,

At Warwick Assizes, August 3, 1820.

THE first count charged the defendants, George Edmonds, Charles Maddocks, John Cartwright, Thomas Jonathan Wooler, and William Greathead Lewis, with being malicious, seditious, and evil-disposed persons, and with unlawfully and maliciously desiring and intending to raise and excite discontent and disaffection in the minds of the king's subjects, and intending to move them to hatred and contempt of the government and constitution as by law established, and of the Commons House of parliament as by law established heretofore; to wit, on the 12th of July, 1819; and on divers other days and times, as well before as after, with force and arms, at Birmingham aforesaid, unlawfully, maliciously, and seditiously, did combine, conspire, and confederate with each other, and with divers other disaffected and ill-disposed persons, for the purposes above-mentioned, and unlawfully to nominate, elect, and appoint a person to be the representative of the inhabitants of Birmingham, and to claim admission into the House of Commons as a member thereof, neither they, the said defendants, nor the said other conspirators, nor the inhabitants of Birmingham, being then lawfully authorised to nominate, elect, or appoint any such representative. And that the defendants and various other persons, in pursuance of the said conspiracy, assembled to the number of 20,000, for the purpose of hearing diverse scandalous, seditious, and inflammatory speeches, resolutions, and writings, concerning the government and the House of Commons, uttered for the purposes aforesaid.

The defendants, &c. so assembled, were charged with having uttered speeches of the above description for the purposes already stated. And that the said conspirators in further pursuance, &c. did with a loud voice say, utter, and publish diverse seditious, malicious, inflammatory matters and things of and concern-

ing the government and constitution of this realm as by law established, and of and concerning the Commons House of Parliament as by law established, amongst other things in substance as follows, the said other conspirators joining with him in further pursuance, &c. that is to say—

Resolved, That a number of gentlemen, in whom this meeting confide, having stated that there has now for a year and a half past been before the public, published by E. Wilson, London, "A Bill of Rights and Liberties," for effecting a radical reform in the commons house of Parliament, on the simple principle of voting for representatives, which is a common right, being exercised by all men of mature age and sound mind, who have not forfeited that right by any crime, the votes being given by ballot, and the representative body being renewed a year, it is the opinion of this meeting that the said bill ought to be adopted and passed into a law.

Resolved, That by putting on a new and equitable issue, their just and undeniable right to a full enjoyment of the sacred laws, liberties, and free customs of their country, as largely and wholly as they ought to be enjoyed, the said inhabitants of Birmingham will now forthwith proceed to elect one gentleman in whom they can confide as their legislatorial attorney and representative, in whose person they will try the question of their right of parliamentary representation, and who shall be instructed to claim on their behalf, admission into the Commons House as a member thereof; and in the event of his being acknowledged and received as their representative, accordingly then and there to use his utmost endeavours towards obtaining equal and complete justice to the Commons of the realm, universally securing to them an annual election of legislatorial representation to be elected by ballot.

Resolved, That Sir Charles Wolseley be elected legislatorial attorney and representative of the inhabitants of Birmingham, instructed to claim on their behalf, by letter, to the right hon. the Speaker of the House of Commons, admission into that House, as a member thereof, as well as to communicate on the oc-

casion the present and foregoing resolve of this meeting, to be by the Speaker laid before the House.

And the said conspirators did aid and assist in causing and procuring one Sir Charles Wolseley, bart. to be then and there nominated and appointed the representative aforesaid, and to claim admission into the House of Parliament as a member thereof, neither of the said conspirators being in any manner lawfully authorized so to do.

Mr. Sergeant *Vaughan* stated the case for the crown in a speech of great length; in which he cited a number of seditious passages from the speeches delivered, by the defendants at the meeting. The following from Wooler's speech is a specimen.—"I would advise you to call the House of Commons, 'The Mock Parliament' or 'The Usurpers of the people's rights?' Why should they receive any other designation, when they passed the Corn Bill, and suspended the Habeas Corpus Act? Why should these sham Abrahams be called the House of Commons?"

Thomas Hunt, Clerk of the peace, deposed to having received a letter, signed G. Edmonds, and J. Alcock, announcing the intention of electing a member of parliament for Birmingham, on the 12th of July.

W. Paine proved the hand writing of G. Edmonds.

James Boyce, with whom major Cartwright lodged in Birmingham, proved frequent conferences of all the defendants at the major's lodgings, on the day, or two days immediately preceding the day of meeting.

John Thorpe, a coachman, deposed to several of the defendants going together to the meeting.

Francis Johnson and *Samuel Dickinson*, deposed to the occurrences of the meeting, which they described as composed of nearly 20,000 of the lower orders: they detailed the part taken by the defendants, nearly as stated in the indictment, and repeated several seditious expressions, made use of by them.

Thomas Pew, a chaise driver, proved, that immediately after the conclusion of the meeting, he drove Major Cartwright, and Edmonds, to the seat of Sir C. Wolseley, near Lichfield.

Mr. *Denman* addressed the court at considerable length, for Edmonds and Maddocks.

Mr. *Hill* followed for major Cartwright.

SECOND DAY.

Mr. *Wooler* addressed the court for three hours and a half.

Mr. *Pearson* (attorney) read a speech, composed for himself by major Cartwright, which occupied the court four hours and a half.

Lewis also spoke at great length.

The learned judge summed up the evidence, and in twenty minutes the jury returned a verdict of Guilty against all the defendants. Three bills of exceptions were tendered on the part of different defendants; they all went upon the same grounds; and the refusal by the judge to allow Mr. Wooler to examine the four special jurors as they came to the book, with respect to any opinions they might have respectively expressed on the subject of the indictment.—The discussion of this verdict occupied the Court of King's-bench during several subsequent terms; at length, however, in Easter, 1821, the verdict was affirmed, and the defendants received judgment: Cartwright to pay a fine of 100l., and the others to suffer different periods of imprisonment.

CAROLINE AMELIA ELIZABETH,

UNDER A BILL OF PAINS AND PENALTIES.

On the 6th of June, 1820, the earl of Liverpool presented to the House of Lords the following message from the king:

"The King thinks it necessary, in consequence of the arrival of the Queen, to communicate to the House of Lords certain papers respecting the conduct of her majesty since her departure from this kingdom, which he recommends to the immediate and serious attention of this house.

"The king has felt the most anxious desire to avert the necessity of disclosures and discussions, which must be as painful to his people as they can be to himself, but the step now taken by the queen leaves him no alternative.

"The king has the fullest confidence that, in consequence of this communication, the House of Lords will adopt that course of proceeding which the justice of the case and the honour and dignity of his majesty's crown may require. GEORGE R."

On the 26th of June, the following petition was presented by lord *Dacre*.

"CAROLINE REGINA;

"To the Lords Spiritual and Temporal;

"The queen having been informed, that proceedings are to be adopted against her in the House of Lords, by means of a secret committee, she feels it necessary to appeal to the lords as a subject of the realm. She is advised that, according to the forms of the house, the course adopted will be a secret inquiry. She protests against any secret inquiry—yet, if the house will proceed in that way, she declares, in such an unconstitutional course she has nothing to fear, unless it is in the absence of her witnesses, who will defeat the machinations of her enemies. If the House of Lords will allow nothing but a secret inquiry, she begs it may not take place before the arrival of her witnesses necessary to develope the whole. She asks for no delay in the inquiry; but the queen cannot suppose the House of Lords will authorize a secret inquiry into her conduct, when her advisers are unable to provide for her defence by the examination of witnesses, which cannot arrive in time from the continent. The moment the evidence arrives she will entreat the House of Lords to proceed in any way conducive to the interests of justice; but in the mean time her majesty desires to suspend the proceedings, and to be heard by her counsel this day at the bar."

On the motion of lord *Dacre*, her majesty's counsel were called in; and Messrs. Brougham, Denman, and Williams, appeared at the bar.

On the 4th of July, the secret committee made its report as follows:

"By the lords committees appointed a secret committee to examine the papers laid before the House of Lords, on Tuesday, the 6th of June last, in two sealed bags, by his majesty's command, and to report thereupon, as they shall see fit; and to whom have been since referred several additional papers in two sealed bags, by his majesty's command, relative to the subject matter of his majesty's most gracious message of the 6th of June last.

"Ordered to report, That the committee have examined with all the attention due to so important a subject, the documents which have been laid before them, and they find that these documents contain allegations supported by the concurrent testimony of a great number of persons in various situations of life, and residing in different parts of Europe, which deeply affect the honour of the queen, charging her majesty with an adulterous connexion with a foreigner, originally in her service, in a menial capacity, and attributing to her majesty a continued series of conduct highly unbecoming her Majesty's rank and station, and of the most licentious character.

"These charges appear to the committee to be calculated so deeply to affect, not only the honour of the queen, but also the dignity of the crown, and the moral feeling and honour of the country, that, in their opinion, it is necessary they should become the subject of a solemn enquiry, which it appears to the committee

may be best effected in the course of a legislative proceeding, the necessity of which they cannot but most deeply deplore."

On the 5th of July, lord *Dacre* presented the following petition from the queen :—

"CAROLINE REGINA ;

"The queen, observing the most extraordinary report made by the secret committee of the House of Lords, now lying upon the table, represents to the House, that she is prepared, at this moment, to defend herself against it, as far as she can understand its import. Her majesty has also to state, that there are various weighty matters touching the same, which it is absolutely necessary, with a view to her future defence, to have detailed in the present stage of the proceeding. The queen, therefore prays to be heard this day, by her counsel, regarding such matters."

The earl of *Liverpool* then proposed the following Bill of Pains and Penalties :—

"An act to deprive her majesty queen Caroline Amelia Elizabeth, of the title, prerogatives, rights, privileges, and exemptions of queen consort of this realm, and to dissolve the marriage between his majesty and the said Caroline Amelia Elizabeth.

"Whereas in the year 1814, her majesty Caroline Amelia Elizabeth, then princess of Wales, and now queen consort of this realm, being at Milan, in Italy, engaged in her service, in a menial situation, one Bartolomo Pergami, otherwise Bartolomeo Bergami, a foreigner of low station, who had before served in a similar capacity.

"And whereas, after the said Bartolomo Pergami, otherwise Bartolomeo Bergami, had so entered the service of her royal highness the said princess of Wales, a most unbecoming and disgusting, intimacy, commenced between her royal highness and the said Bartolomo Pergami, otherwise Bartolomeo Bergami.

"And whereas her royal highness, not only advanced the said Bartolomo Pergami, otherwise Bartolomeo Bergami, to a high station in her royal highness's household, and received him into her service, and that in high and confidential situations about her royal highness's person, but bestowed upon him other great and extraordinary marks of favour and distinction, obtained for him orders of knighthood and titles of honour, and conferred upon him a pretended order of knighthood which her royal highness had taken upon herself to institute without any just or lawful authority.

"And whereas also her said royal highness, whilst the said Bartolomo Pergami, otherwise Bartolomeo Bergami, was in her said service, farther unmindful of her exalted rank and station, and of her duty to your majesty, and wholly regardless of her own honour and character, conducted herself towards the said Bartolomo Pergami, otherwise Bartolomeo Bergami ; and in other respects, both in public and private, in the various places and countries which her royal highness visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulter-

ous intercourse, with the said Bartolomo Pergami, otherwise Bartolomeo Bergami, which continued for a long period of time, during her royal highness's residence abroad; by which conduct of her said royal highness, great scandal and dishonour have been brought upon your majesty's family and this kingdom.

"Therefore, to manifest our deep sense of such scandalous, disgraceful, and vicious conduct, on the part of her said majesty, by which she has violated the duty she owed to your majesty, and has rendered herself unworthy of the exalted rank and station of queen consort of this realm; and to evince our just regard for the dignity of the crown and honour of the nation, we, your majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and the commons in parliament assembled, do hereby humbly entreat your majesty that it may be enacted;

"And be it hereby enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that her said majesty, Caroline Amelia Elizabeth, from and after the passing of this act, shall be, and hereby is, deprived of the title of queen and of all the prerogatives, rights, privileges, and exemptions, appertaining to her as queen consort of this realm; and that her said majesty shall, from and after the passing of this act, for ever be disabled and rendered incapable of using, exercising, and enjoying the same, or any of them; and moreover, that the marriage between his majesty and the said Caroline Amelia Elizabeth be, and the same is hereby henceforth and for ever, wholly dissolved, annulled, and made void, to all intents, constructions, and purposes whatsoever."

On the 6th of July, lord Dacre presented the following petition from her majesty:—

"CAROLINE REGINA;

"The queen has heard, with inexpressible astonishment, that a Bill, conveying charges, and intended to degrade her and to dissolve her marriage with the king, has been brought by the first minister of the king into the House of Lords, where her majesty has no counsel or other officer to assert her rights. The only alleged foundation for the Bill is the report of a secret committee, proceeding solely on papers submitted to them, and before whom no single witness was examined. The queen has been further informed, that her counsel last night were refused a hearing, at the bar of the House of Lords, at that stage of the proceeding when it was most material that they should be heard, and that a list of the witnesses, whose names are known to her accusers, is to be refused to her. Under such circumstances, the queen doubts whether any other course is left to her, but to protest in the most solemn manner against the whole of the proceeding; but she is anxious to make one more effort to obtain justice, and therefore desires that her counsel may be admitted to state her claims at the bar of the House of Lords."

On the 19th of August, lord *King* moved a resolution, "That it is not necessary for the public safety,

or the security of the government, that the bill intituled, 'An act to deprive her majesty,' &c. should pass into a law."

The earl of *Liverpool* moved, as an amendment, "That counsel be called in:" Contents, 181; Not-contents, 65.

Earl *Grey* moved, as a second amendment, "That it appears that the Bill now before the House does not afford the most advisable mode for prosecuting the charges against her majesty; and that therefore, under the present circumstances, it is not expedient to proceed further with it." Contents, 64; Not-contents, 178.

The earl of Liverpool's amendment being carried, counsel were called in.

The *Attorney-General* opened the case in support of the Bill; and anticipated all the evidence, but as it is unnecessary to repeat the story twice, we shall at once proceed to the evidence.

TEODORO MAJOOCHI, was then called in.

On being placed at the bar, his name was called aloud by one of the clerks of the house, and the queen, whose face was not at first directed to the bar, turned suddenly round at the annunciation, and uttering a loud exclamation, retired hastily from the house, followed by lady A. Hamilton. Her majesty evidently laboured with some strong emotions, but whether of surprise or displeasure, or both, has never been ascertained.

The witness was then sworn in the usual manner, and examined by the *Solicitor General*.

Is a native of Pisterlango, near Lodi, knows Bartolomeo Bergami; first knew him in 1813 as valet to Marshal Pino; witness was at that time a courier in the marshal's service. Bergami at that time was in low circumstances; his wages were three Milan livres (2s. and 6d.) per day. Witness afterwards entered the service of Joachim Murat, King of Naples, as an attendant in the stables. While in this service he saw Bergami at Naples, about Christmas, 1814. And in January, 1815, he engaged witness as a livery servant to the Princess of Wales, to whom Bergami was himself courier and equery. Between the bed-rooms of the Princess and Bergami, there was nothing but a small cabinet and a corridor, one was obliged to pass through the corridor into the cabinet, and from the cabinet into the room of Bergami. On the other side of the princess's room was the great saloon. Remembers Bergami having received an injury by a kick from a

horse, when the Princess went with Murat to the Lake of Agnano. Witness was appointed to attend upon Bergami while confined by this injury. In the course of this attendance he slept five or six nights in the cabinet above-mentioned. Saw the princess in Bergami's room while Dr. Holland was dressing his foot. Saw her afterwards pass twice into Bergami's room at night. The first time was about half an hour after midnight. She remained in Bergami's room ten or fifteen minutes. She passed through the cabinet very softly. The second time she delayed in Bergami's room from fifteen to eighteen minutes, and witness overheard some whispering conversation. There was a small garden attached to the cabinet; it was for the most part locked, and Bergami kept the key. At Genoa the room of her royal highness and that of Bergami were separated only by an untenanted apartment, in which trunks were kept. Through this apartment there was a direct communication.

At Genoa Bergami and the princess breakfasted together alone, in a small room at the top of the saloon. Witness saw them one morning. Remembers knocking at Bergami's chamber door, and endeavouring to awake him one night when the courier Vinescati brought a letter from Milan. Knocked so loud that Bergami must have heard him, had he been in the room, but he obtained no answer. Remembers the princess riding upon an ass at Genoa; Bergami used to take her round the waist to put her on the ass, and also used to hold her hand, lest she should fall. He had more authority than the other servants. Before the princess quitted Genoa there were received into her service, of the Bergami family —Faustina, the sister of Bartolomeo Bergami, Lewis Bergami, his brother, his mother, his child Victorine, between three and four years old; the mother of the child did not come. At the Borromean house, the apartments of the princess and Bergami were separated only by a wall. The door of one opened to the stair-case, and that of the other to a landing place; they were about seven or eight feet asunder. The staircase to which the door opened, was a secret staircase; it led to a small apartment, occupied by Lewis Bergami.

The witness saw the princess sometimes at breakfast with Bergami, at the Borromean house; they were alone upon these occasions; sometimes witness, sometimes Lewis Bergami, and sometimes Camera attended. Lady Charlotte Campbell left the princess at Milan, and the Countess of Oldi was received into the service of her royal highness; it was at first a secret that the countess was the sister of Bergami, but it was found out when the family saw her at table. At Venice the princess lodged three or four days at the Grande Brettagna; then removed to a private house, where her royal highness's bed-chamber and Bergami's opened into a large saloon. At Venice and Milan the princess and Bergami used to walk together arm in arm, sometimes at night, at half-past nine or ten o'clock. Does not remember being at Genoa more than once. Went twice to Genoa, the last time merely to embark: the time alluded to in his former answer was, the first visit to Genoa. At the Villa Villani the rooms of the prin-

cess and Bergami communicated; the apartments of all the rest of the family were at a distance from them. Assisted in making Bergami's bed there; sometimes observed that it had not been slept in. At Messina the bed-rooms of Bergami and the princess were separated only by the apartment of the Countess Oldi, through which they communicated. The rest of the household slept at a distance. At Syracuse the princess' room was under Bergami's, but they communicated by a private staircase, which led immediately from one room to the other. At Catania the bed-room of Bergami and the princess were in a small court or yard, into which no person could gain admittance, because the door was locked. At Augusta, the bed-rooms were also in a small court, inaccessible whenever the doors were locked. At Catania, Bergami received the title of Excellency, and the order of Malta. He was also called Baron Francina before he left Sicily.

The princess embarked on board a polacre for Tunis. Bergami slept in the dining cabin, the princess in an adjacent room. At Tunis the princess first lodged at the English Consul's, afterwards in the palace of the Bey. From Scala Nuova, the princess visited the Grotto of the Seven Sleeping Men. Near the grotto the princess rested the first night in a hut made of branches. At that place the princess and Bergami dined alone, in an inclosure in the vestibule of a church. Witness attended them, the princess sat upon a travelling bed, and Bergami at her royal highness's feet; after dinner they remained there alone an hour and a half. At Aum (in Syria) the princess and her suite rest from their journey in the day-time in tents. The princess' tent, which was double, was six or seven yards apart from the rest. There were placed in the interior of it a small travelling bed, and a Turkish sofa; the walls of the inner and outer tent were two arms length asunder; both were circular. The princess and Bergami were shut up in the inner tent, during the time allotted to sleep. Between Aum and Jerusalem, they encamped again, and the same arrangement was made. After her return from Jerusalem the princess embarked again at Jaffa. On her voyage outwards, she had slept in the cabin; but on her return, a tent was raised for her on the deck; a travelling bed and a sofa were placed under it. Every night, during the voyage home, the princess and Bergami slept under this tent. When they went to sleep, the sides of the tent were closely shut up. They always had a light. Remembers the princess bathing on board more than once. The first time witness carried the water into the bath, and then Bergami came down, and put his hand into it to ascertain the temperature of the water; when he went up stairs and handed her royal highness down, after which the door was shut, and they remained alone in the cabin together.—Upon another occasion, when the princess and Bergami were below for the purpose of taking the bath, witness carried down, by order, two buckets, the one of cold the other of hot water. Bergami received them from him at the cabin door, and immediately closed the door. Witness cannot know that any person was with them at the time.

Bergami landed at Terracina before the princess; he kissed her

royal highness at parting. At the Villa Bergami, the princess' bed-chamber and Bergami's opened on the same landing place. The princess gave balls at the Villa Bergami, which were attended by country people—peasants. Does not remember that any of the neighbouring nobility visited her royal highness. At one time, Bellegarde, the governor of Milan, went to pay her his respects, and afterwards his successor Saurau.

AUGUST 22.

Examination of Majoochi continued.—Went with the princess to Carlsruhe, Nuremberg, Vienna, and Trieste. At all of these places the bed chambers of the princess and Bergami generally communicated together; and were at a distance from the rest of the family; they were always selected by Bergami and the princess. The princess and Bergami travelled together, in the same carriage, through the whole journey. At the Villa d'Este some changes were made in the bed-rooms; this was while they were on their voyage to Greece; the apartments of the princess and Bergami were contiguous, and a direct communication was open between them; they were at a distance from the rest of the house. There was a door, the shutting of which excluded all the other members of the family. There was a theatre at the Villa d'Este, in which he has seen the princess acting with Bergami. Does not remember whether the princess was visited by the nobility of the neighbourhood at Villa d'Este.

At Venice the princess went to a private house from the hotel; on one side of her room was a saloon which opened into it, on the other two sides were other rooms; the fourth side having windows; does not know the use of those other rooms; does not know that Hieronymus occupied any of them; he has not seen any staircase; does not remember where William Austin slept; does not know where Captain Hownam slept; Captain Hownam, Austin, and Hieronymus were with the princess at Venice, Camera was not; does not know where Victorine used to sleep; knew her sometimes to sleep under the princess's pavilion on deck, sometimes below in her little room, sometimes with the Dame d'Honneur; the Countess Oldi; cannot say whether any other person ever saw Victorine sleeping away from the princess; witness never saw Victorine sleeping apart from the princess; does not remember Mr. Burrell being with the princess at Venice; saw Mr. Burrell at Villa Villani, and afterwards at Milan, at the Borromean-house; does not remember where he slept; the second time the princess went to Genoa she went immediately on board ship; has seen the Villa d'Este since the princess' return from her long voyage; the arrangement of the rooms was not the same as before. On one side of the princess's room was a small corridor, and on a little further a small cabinet; beyond this was a room in which Bergami slept. In the small room there were, as witness remembers, but two doors ever open. The maids slept in another quarter; does not know where Mr. Hownam or Dr. Holland slept. The passage from the maid's room to the princess was through the small corridor. While they travelled in Asia they rested in tents by day. The princess travelled on horseback all night, usually setting out at sun-set. Cannot remember the number of hours. She gene-

rally dismounted about sun-rise. Witness had no watch. It was said that the princess used to be much fatigued on her alighting, and she always retired hastily to her tent to repose on a Turkish sofa; cannot say whether the princess was ever so much fatigued as to require support.

Witness and Carlino have rested between the inner and outer walls of the princess' tent, witness at one side, Carlino at the other. Carlino was said to be the nephew of Bartolomeo Bergami.

There was under the tent a Turkish sofa (that is a common sofa laid by the Turks) and an iron travelling bedstead, with a leather covered mattrass, either the same or similar bedsteads were on board the polacre. Does not know that any bed-clothes of any kind were used, either on board the tent, or the polacre. It was the duty of the witness and Carlino to prepare the beds at night on the land; on resting for the night the princess always took off her upper dress. On the voyage he used to bring the cushions in the evening, and take them away in the morning; but he does not know who it was that prepared the bed. Witness professed that he did not recollect where Hieronymus, Austin, Hownam, the Countess Oldi, Camera, the female servants, or Lieutenant Flinn slept, on the voyage. Did not recollect whether Flinn was on the land journey; whether he was in the princess's service before or after the voyage—whether he was a young man, or of middle age. Could not remember where the captain of the Polacre slept, or whether the number of sailors on board was two or two-and-twenty, or whether they ever went on deck in the night time. Did not know what was the proper and appointed place for the servants to sleep in. To all inquiries upon these points the witness replied, *Non ricordo*.

EXAMINATION BY PEERS.

By Lord Ellenborough. Does not remember how the princess was dressed when she passed into the room of Bergami, through the cabinet at Naples.

By Earl Grey. Saw the princess distinctly upon that occasion; witness feigned to be asleep when the princess looked at him.

By the Marquis of Buckingham. Saw the princess and Bergami enter the cabinet in which the bath was prepared, together. Did not see the Countess Oldi, or either of the female attendants, with the princess and Bergami, when they went down to take the bath. Did not see them either on deck at that time; does not remember whether there was a second small room in the dining cabin.

By the Earl of Oxford. [Repeated his former description of the manner in which Bergami conducted the princess to the bath.]

By Lord Duncan. Can swear that no person but Bergami and the princess was in the bath-room. Was at the door when Bergami went up for the princess, and when they came down, Bergami said, "Be at the door, for if there be any need of water, you shall give it me."

By Earl Grey. When the room was open, could see if any

person was in it. No person could have been in it without witness seeing; and swears, that there was no other person.

By Lord Auckland. Remained at the door the whole time, with the two pails of water.

By the Lord Chancellor. There was no person in the bath-room, when the princess and Bergami went in.

By Earl Grosvenor. There was no second door into the bath-room.

By Lord Auckland. Saw Bergami come out of the bath-room, and call down Demont to assist the princess in dressing. Was still at the door with the hot water; they had been in the room about half an hour.

By the Marquis of Huntley. No change had taken place in Bergami's dress.

By Earl Grey. When Bergami went out to call Demont, he told witness to take away the hot water; as Demont was going into the bath-room, witness was taking away his pails. Bergami did not return, and witness does not know how long Demont remained with the princess, because he went about his business.

By Lord Anson. Received the pails of hot and cold water at the door of the dining-room, from a sailor: the sailor knew they would be wanted, because it was he who had filled the bath. Witness never left the dining-room.

By Earl Grey. Cannot say whether the princess was in the bath before Bergami left the room.

By Earl Carnarvon. Cannot say how the princess was dressed when she went into the bath-room; there was no furniture in that room but a sofa.

By the Marquis of Lansdowne. Left the service of the princess because she was surrounded by bad people.

By Lord De Dunstanville. When witness and Carlino lay between the walls of the tent in Syria, heard whispering voices in the interior tent; cannot say whether the voices were male or female.

By Mr. Brougham, through their Lordships. When he had the conversation with Schiavini, witness was in the service of the Marchese Erba Odescalchi; had a conversation upon the subject with the elder Camera. Camera said to witness, Teodoro Majoochi, do not enter into any service, because her royal highness wishes to take you back, and I shall pay you. Teodoro, give me back the certificate of your good service, and I will tell to her royal highness that you have not taken another engagement, and she will pay you for the whole time that you have been out of her service, or losses you may have suffered. And witness said to Camera in reply, Camera, give me back my paper. [Witness had previously handed it to him, Camera.] For rather than go to serve her royal highness, on account of the people that are about her, I will go and eat grass. Never made any application to Camera on any occasion; does not know whether Camera was examined at Milan.

By the Earl of Lauderdale. The conversation with Camera took place before witness went to Vienna.

Gaetano Paturzo corroborated in his evidence all the leading circumstances on board the vessel during the voyage to Tunis, as stated by the last witness. During his examination, he admitted that he was paid for coming 800 dollars a month, and all his travelling expenses paid; which he considered very little.

Vincenzo Gargiulo, the master and owner of the Polacre, gave evidence to nearly the same effect. He received 1000 dollars a month, and all expenses paid.

THOMAS BRIGGS, Esq. Post-Captain in the Navy, examined by the Attorney General.

Commanded H. M. S. Leviathan in the year 1815; received the Princess of Wales on board at Genoa, in November of that year. Her suite consisted of Bergami, Mr. Hownam, (witness thinks) Count Schiavini, the Countess Oldi, and two or three other foreigners, among whom witness particularly remembers the name of Montecelli. The princess came down to the shore in a carriage with the Countess Oldi, Bergami, an infant, and, as he thinks, another person, whom he does not remember particularly; remembers the others perfectly. During the voyage, the princess always dined at witness's table, and Bergami always dined at the table also. Previously to the princess's coming on board, witness made the following disposition of the apartments intended for her royal highness's accommodation. The after cabin was divided into two compartments, one intended for her royal highness' sleeping-room, the other for a sort of drawing room; before these were two small cabins in a line, intended for her female attendants: the men of her suite were to have been accommodated below in the ward-room, in witness' own cabin, and wherever else they could be conveniently bestowed, reserving part of witness' own cabin for himself. After her royal highness came on board, this disposition of the cabins was altered; the small cabin designed for the Countess Oldi, which was next to the princess's, was occupied by Bergami, and the countess removed to the cabin intended for a drawing-room. The only entrance to the cabin, thus occupied by Bergami, had originally been through the maids' room; but that approach was stopped up, and a door was broken out immediately near the door of the princess's cabin. Has seen the princess walk arm-in-arm with Bergami, both at Palermo and Messina.

EXAMINED BY LORDS.

By Lord Ellenborough. It was possible, but not likely, that a person could have passed from Bergami's into the princess's room, without witness's knowledge. Witness was frequently up half the night, and subject to all calls at all hours.

By Lord Hood. Saw no improper conduct between the princess and Bergami.

By Earl Grey. Received frequent reports during the night. The officer of the watch had constant access to his cabin.

By the Earl of Roseberry. It was not necessary for him,

when going on deck at night, to go directly through the dining-cabin; but he must pass a corner of it. The same answer applies to persons coming to his cabin from the deck.

By Lord Colville. Two or three of the princess's suite slung cots in the dining-cabin; knows that Hownam did so, and thinks Austin slept there also; is not sure that Montecelli was not a third. The princess had a bell to the maids' apartment.

MEIDGE BARBARA KRESS, examined by the Attorney General.

Is a Lutheran, and the wife of Peter Kress; resides at Carlsruhe; has been married three years; previous to her marriage, lived at the post-inn, at Carlsruhe; left that service in consequence of her marriage; remembers the Princess of Wales coming to the inn about three years ago; a person named Bergami came with her; there were three rooms, No. 10, No. 11, and No. 12; No. 10, was a bed-chamber, occupied by the princess; No. 11, was a dining-room; No. 12, was a bed-chamber, occupied by Bergami; No. 10, and No. 12, both opened into the dining-room, No. 11, which lay between them. The courier, who preceded the princess, directed that a broad bed should be prepared in No. 12 (Bergami's room;) a change was made accordingly; witness was chamber-maid; the princess remained at the inn about a week or eight days. One evening, between seven and eight o'clock, as she remembers, witness went to carry some water into No. 12, (witness cannot say where the princess and Bergami had dined on that particular day;) when she went in, she discovered Bergami in bed, and the princess *had sat* on the bed; could not see whether Bergami had his clothes off, but his arm was white; when witness went in, Bergami had his arm round the neck of the princess, and the princess let the arm fall when witness entered; cannot say whether the white on Bergami's arm was the colour of his shirt, or of any other garment. On witness's coming into the room, the princess "had jumped up."—("Sie ist in die höhe.")

AUGUST 26.

MEIDGE BARBARA KRESS's examination resumed.

The witness' last answer was read. After witness saw the Princess of Wales sitting on Bergami's bed, she withdrew; before she withdrew, she saw the princess jump up; witness was frightened. Made up the bed in No. 12 (in Bergami's room;) found a cloak in the bed; it was probably a woman's cloak, because it had a kind of capot (a hood;) witness unfolded the cloak; this was at the time of making the bed in the morning. The cloak was of grey silk; the cloak was taken from witness by a servant; she saw a mantle worn next day by the princess of the same colour, but cannot swear it was the same cloak; it was likewise a silk cloak, and had a capot or hood like that she found in the bed; witness also saw, when she made the bed, that the sheets where "wüste;" this word was variously interpreted; as an adjective, it means "in disorder." The witness being called upon to explain, said she meant "stained:" witness is a married woman [witness here burst into tears;] has often made the beds of mar-

ried persons. Being again asked what the stains were like, she said they were white and wet.

AUGUST 29.

EXAMINED BY LORDS.

By Lord Hood, Did not communicate her observations to any one, until she was questioned by Grimm. He aked her into his room, and by repeated importunities, obtained from her what she had witnessed.

By the Earl of Lauderdale. After witness made the discovery in No. 12, she frequently found the door shut in the evening, and placed the water before it; by shut she means closed and locked.

LOUISA DEMONT, sworn.

Is a native of the Pays de Vaud, Switzerland, and a Protestant; entered the service of the princess of Wales, as first femme de chambre for five years; engaged with her royal highness at Lausanne. [Witness here enumerated the persons composing the princess's suite, when she first entered Italy.] Travelled from Lausanne to Milan. About a fortnight before she left Milan, her royal highness hired Bartolomeo Bergami as a courier; during the remainder of her residence at Milan, Bergami waited at table. From Milan the princess travelled by Rome to Naples; previously to her arrival at Naples, William Austin generally slept in her royal highness's room. The night before she entered the city of Naples, her royal highness slept in a country house. Cannot say whether William Austin slept in the princess' room that night, but remembers the princess saying that same evening, that he had become too big a boy to sleep any longer in her room, and must have a chamber to himself. Up to this time, Bergami always dined at the same table with the witness, and the other servants of her class; does not know what room was allotted to him (Bergami) on the night of their arrival at the city of Naples. On the night after, he occupied a room communicating with that of the princess's, by a cabinet and a passage; there was a door from the passage opening to the rest of the house; but when that door, and the doors of the princess' s room and Bergami's room were shut, these two rooms, the cabinet and the passage were cut off from the rest of the house. On the evening after her arrival at Naples, the princess went to the Opera; she returned, as it seemed to witness, rather early; she proceeded in the first place to her bedchamber, and afterwards to the cabinet; she directed witness to forbid William Austin to follow her, as she wished to sleep quietly. Austin slept that night, and every subsequent night, in another adjacent cabinet, shut out by a door, always closed from the princess's room. There were two beds in the princess' room, one a small travelling bed, in which she usually slept, and a larger bed, which was that night unprovided with sheets. The princess seemed extremely agitated, and, contrary to her usual practice, dismissed witness immediately after she had attended her to her chamber; this was about eleven o'clock, the princess's usual time of retiring. Next morning, witness observed, that the princess's small bed had not been lain in, but that the large bed was, al-

though not much, deranged. Bergami slept in his room (already described) during the whole residence at Naples; Mr. Hieronymus, only, slept at the same side of the house. Mr. Hieronymus's door was in the same passage with the door of the princess' chamber. Has never seen any other person but William Austin and Bergami admitted to the princess's dressing-room, when she used to be making her toilet; the former was about twelve or thirteen years old. Bergami was still courier. Has several times seen Bergami admitted upon such occasions, the princess being sometimes dressed, sometimes undressed. One night when the princess was undressed in her bed-room, but not in bed, remembers seeing Bergami in his shirt and slippers, coming along the passage towards the princess's room. Witness, who was standing at the door of the princess, was alarmed, and escaped by the little door, which was near to her, out of the apartment of the princess. On the second night, the large bed had the appearance of more than one person having slept in it; on the subsequent nights, witness always made the same observation. Towards the latter part of the princess' residence at Naples, it was always the duty of witness to make her bed. Remembers a masked ball given by the princess to Murat, it was in a house near the sea-shore; her royal highness dressed in a small room on the second floor. The princess first appeared as a Neapolitan peasant; witness assisted her in dressing for that character. In about an hour, she returned, and changed her dress entirely, assuming the character of the Genius of History. Upon this occasion, the princess was accompanied into her dressing-room by Mr. Bergami, witness waiting without in the anti-room. In about three quarters of an hour (as witness supposes) Bergami came out, and very shortly after the princess. As the Genius of History, the princess had her arms bare, and her breasts bare, and her drapery in the same way as people represent the Muses, or the Genius of History; cannot say whether the arms were completely bare. The princess again returned, and put on the diguise of a Turkish peasant. While she was arranging this third dress, Bergami was in the anti-room, preparing himself to represent a Turk; they went down together arm in arm; Bergami was still a courier. There was a small garden attached to the house at Naples; the princess used to walk in it with Bergami; has seen her royal highness walking there, under Bergami's arm. The princess used to breakfast in a small cabinet, leading to Bergami's room; witness has never seen her at breakfast; remembers that Bergami met with an accident; cannot say for what purpose a sofa was placed in the cabinet, but has seen Bergami seated upon it; went once with the princess to the theatre San Carlos. The princess, Bergami, and witness, went in a hired carriage; the night was wet and gloomy; the princess was dressed in a large red cloak, Bergami in a red domino, with a great hat; when they got into the pit, a number of ugly masks gathered about them, and hissed: the princess's dress was monstrous ugly *(laid)*; though they were compelled to retire by the hissing, they had great difficulty to withdraw.

The princess remained three or four months at Naples, and

during that time, though Bergami continued to wait at table, a remarkable familiarity was observable between him and his royal mistress. Witness described the separation of her royal highness's English suit, and the relative situations of the princess and Bergami's bed-chambers, at Genoa, [as detailed in the evidence of Teodoro Majoochi.] At Genoa, witness slept in a room adjoining to that of the princess; the princess always locked the door between them at night. Bergami's bed-room was on the opposite side; most frequently *(plus souvent)* the princess' bed appeared in the morning, not to have been occupied at night. After the door was locked by the princess at night, witness has heard a noise, as of a door opening into her royal highness apartment. Besides the doors opening into the room of the witness and Bergami, there was a third door from the princess' room, into a dressing room; after the noise of the door opening, witness observed, that all was quiet. It was witness' duty to arrange the princess's bed; it was almost every morning in the state in which it had been left on the preceding night. At Genoa, Louis the brother, and Faustina, the sister of Bergami, and his aged mother, who was called "Nonna," or the "granny," were received into the family; also the infant Victorine, a child of about three years old, and the daughter of Bergami. From Genoa the princess went to Milan; she travelled in a carriage with William Austin; Bergami rode as a courier, and the princess frequently invited him to take refreshment on the road. The princess occupied the Borromean palace at Milan; Bergami's bed-chamber was near to her's A few days after, lady Charlotte Campbell retired from the service of the princess [this occurred at Milan,] the countess Oldi was introduced; before she came, the princess told witness, that the countess wished to come into her service, as a dame d'honneur, at the same time saying, that she was a noble lady; she was, in fact, the sister of Bergami. The countess was afterwards introduced; she could speak no French at all, and her Italian was extremely vulgar. At Milan, saw Bergami wear a blue silk robe, which had previously belonged to the princess.

AUGUST 31.

Louisa Demont's examination continued.

While the princess was at the Villa Villani, she made a tour to the Borromean islands; witness thinks that the princess stopped to dine at an inn on the road; witness was more than once at the Borromean islands with the princess; the princess slept there on all these occasions; the first time was in a most elegant apartment prepared for her in the Borromean palace; on the second visit the witness saw the apartment that had been prepared for the princess, but the apartment which the princess occupied was at a distance from it, and near to that of Bergami; it was a large room; witness does not recollect whether it had any communication with the apartment occupied by Bergami. Remembers the princess going to Bellinzona; saw Bergami dining with the princess at her own table; he was dressed like a courier, but witness does not remember whether he acted as a courier; he did not ride, but went in the carriage. In September the princess went from the Villa

Villani to the Villa d'Este; at the Villa d'Este, in approaching the princess's chamber, you entered into a dark anti-room, then a corridor, then two rooms which communicated with each other, and one of them with the bed-room of the princess; the sleeping-room of Bergami communicated with the first anti-room, and with the sleeping room of her royal highness, through a very small cabinet, in which nobody ever slept; when the door from Bergami's room into the dark anti-room was closed, there was no other approach to Bergami's room, but through the small cabinet; the princess usually went to bed at eleven, but sometimes later; sometimes when witness was alone in the princess's room, her royal highness used to come in accompanied by Bergami—they came through the two rooms described; Bergami did not use to remain long; sometimes he passed out through the two rooms; sometimes through the small cabinet; witness used to undress the princess every night, and retire through the two rooms; the princess often accompanied witness as far as the last door, she then used to lock it inside; this has happened when Bergami was in his own apartment but never when he has been in the apartment of the princess; witness attended the princess in the morning; has observed the door from her royal highness's room into the cabinet half open; has not seen Bergami when witness went to call the princess; has sometimes seen Bergami at his door calling his servant; has seen the princess at the same time standing at the second door, the princess dressed in her morning mantle, Bergami in a blue silk morning gown, which the princess had given him. They were about twenty paces asunder; they used to talk together; this happened several times; has seen the princess and Bergami often alone on the lake together. Has seen them also walk together, sometimes arm in arm: remembers the little Victorine at the Villa d'Este; she used to call the princess *mamma*.

At the princess's first residence at the Villa d'Este, Bergami generally dined at the servants' table; once witness remembers he dined at the princess's table; once the princess came to the servants' table; Bergami, his mother, and witness were at dinner; the princess sat down by Bergami. Hieronymus shortly after was heard coming, when the princess said, "I hear Hieronymus in the kitchen, I must go." Accompanied the princess in her voyage to Greece; went once into the princess's cabin; the princess was in bed; does not know whether Bergami had been in the cabin or not. Remembers the princess going to court at Palermo; Bergami went with her, but whether in the same carriage witness does not know; remembers the bed-room of the princess at Messina, it communicated with the apartment of the countess Oldi, and that with the room of Bergami; witness here observed a striking change in the manner of the princess in addressing Bergami at parting; sometimes called him my heart (*mon cœur*) and my dear friend (*mon cher ami*); when Bergami upon one occasion made a short journey, the princess at parting used the expression—"Adieu, my dear friend, take care." On these occasions witness has heard them kiss, but not seen them at the time. Went on board the Clorinde from Messina to Syracuse; saw Bergami once in the princess's

cabinet, the princess was lying on her bed, and Bergami on another bed beside her; Bergami was lying down; this was in the day-time. At Syracuse the princess resided in a small country house at the other side of the port; witness and the countess Oldi occupied a room communicating with the dining-room, the gentlemen the other room on the same side of the dining-room; on the other side were two rooms only, the one occupied by Bergami, and the other by the princess; they communicated by a small staircase; there was a door from the princess's room into the dining-room; the princess used to lock it at night; there was still a door open to the staircase from the princess's room; does not remember any accident happening to the princess's bedstead or bed at Syracuse; from Syracuse the princess went to Catania, where she lived in the town; there was an alteration made in the bed-rooms; at first the princess's bed-room communicated with the saloon; witness's bed-room was next to that of the princess's, on the other side of witness's room was the countess of Oldi's; Bergami's room was at the other side of a little court; Bergami remained there for a short time, which witness does not remember; Bergami was afterwards indisposed, when he was removed to the room of the countess Oldi; witness continued to occupy her own room; one night the princess went to bed before witness; witness does not know whether it was the next morning, or the morning next but one, but she saw the princess coming out of the countess Oldi's room in her night clothes, with a pillow in her hand; her royal highness usually wore at night a little white night dress; in the morning she sometimes had in addition a small silk robe; after Bergami had moved to the countess Oldi's room the countess slept in the princess's room, in a small bed; little Victorine also slept in the princess's room in the night; the morning on which she saw the princess come out of the countess Oldi's room, witness heard Victorine cry; witness does not remember how long it was before this morning that Bergami had moved into the countess Oldi's room, but thinks it was not more than one or two days before; witness thinks he remained there three or four days after; he was sleeping there at the time the princess brought the pillow out; witness remembers the door of the princess's apartment being open one night, but cannot say whether it was the night before that morning; at the time the princess brought out the pillow, she looked at witness earnestly, and went to her own room without saying any thing; witness had not been in the habit of being so late as ten o'clock (the time she saw the princess come out;) witness usually went to breakfast at ten o'clock; the room of the princess and the room of the countess Oldi were never opened before nine; when witness returned from breakfast she always found the doors shut, but sometimes the princess was up in her own room. When she heard Victorine crying, the infant was calling mamma, and the countess Oldi endeavouring to appease her; witness thinks her sister was in the room with her when the princess passed with the pillow. The princess usually addressed the servants, the first time in the day, with good morning, but on that morning she said nothing. Remembers the princess's picture being painted at Ca-

tania, and also at Augusta; in one she was represented as a Turkish woman, in the other as a penitent Magdalen; in the latter she was drawn as naked to the middle downward; the neck (gorge) was bare; the uncovered part extended below the breasts; there was another portrait taken of her royal highness in her ordinary dress. Witness afterwards saw the portrait of her royal highness in the character of a Magdalen in the possession of Bergami; saw a portrait of Bergami taken at Naples; Bergami showed it to her; also saw his portraits which were taken in Sicily; one of these was in his ordinary clothes—the other as a Turk—the upper part of the dress open. Saw one of Bergami's portraits in a little box belonging to the princess; the princess once made up a turban for Bergami. At Catania Bergami was made a knight of Malta; at Augusta he received the title of baron Francina. At Augusta a change was made in the bed-rooms, by which the room of Bergami was appointed near to that of the princess, with which it communicated by a door. Witness's apartment was next to Bergami's, with which it also communicated by a door. This last door was always closed at night, and witness has, upon more than one occasion, heard Bergami proving the lock of it: has also heard a whispering in Bergami's room at Augusta, after she has retired to rest. Does not know where the princess was accustomed to breakfast at Augusta, once saw a tray in Bergami's room; saw the princess arrange the upper part of Bergami's dress for another picture, opening his shirt collar. Her royal highness observed upon that occasion, that she liked him or it better so. [*Je l'aime mieux comme ca.*]

Went with the princess on board the polacre. (Witness described the change made in the cabin on the voyage outward, as Majoochi, Garguilo, &c. had done.)—Never saw more than one bed in the dining-cabin; that was occupied by Bergami. Has seen Bergami in bed, and the princess in bed at the same time, the door of the princess's cabin being open between them; has twice observed them conversing in these circumstances. The door of the dining-cabin used to be shut at night, but witness cannot say that it was locked. At Tunis, the princess and Bergami occupied contiguous apartments, communicating through an unoccupied room and a cabinet; cannot say that these rooms could be shut up from the rest of the house. At Utica, saw Bergami go into the princess's chamber; witness went afterwards, being called to the princess's door, and saw that her royal highness was still in bed; does not know where Bergami slept at Utica. At Zavouan the princess's bed appeared in great disorder, as if two persons had slept in it; does not however say positively that it was occupied by two persons. On the journey to Jerusalem, they slept under tents at Aum. The princess occupied a double tent; the interior tent contained two beds; on the first night the princess reposed, undressed, in one of these beds, and witness saw Bergami without his coat, but in other respects dressed, lying upon the other. The tent was shut close as soon as witness withdrew, after dressing the princess. The second night witness thinks her sister undressed the princess. At Jerusalem, the bed-rooms of

the princess, of Bergami, and the countess Oldi, were in the same gallery, as witness thinks they were the only rooms in that gallery. At Jerusalem, saw Bergami fling himself upon the princess's bed in a ludicrous jesting way; saw the princess and Bergami in the morning conversing in the gallery at their respective doors. On the voyage from Jaffa, homeward, the princess and Bergami slept under a tent on the deck. Witness did not assist in undressing her royal highness during this voyage; recollects the princess bathing twice during the voyage; Bergami assisted her going down; in three quarters of an hour he came up, and directed witness to go down and dress her royal highness; witness went down, and found the princess standing in her bed-gown; saw Majoochi with pails of water in his hand at the door. During the voyage, the princess used to employ herself working for Victorine; Bergami used to spend the day lying on the small bed under the tent; sometimes he amused the princess with buffoonery. The countess Oldi made some shirts for Bergami during the voyage; Bergami said he wanted these shirts made; the princess said she would make them; Bergami smiled.—(Witness described the institution of the Order, &c. at Jerusalem.) After the princess returned to the Villa d'Este, a change was made in the rooms. The princess's room had an interior communication with that of Bergami; a door-way was broken through the wall for the purpose of effecting it. The princess's new bed-room communicated with the rest of the house only by a corridor, the door of which was always shut at night.

After the return from Greece, a table, distinct from that of the servants, was established for the relatives of Bergami. Bergami's mother, formerly known in the house as "the Granny" (Nonna,) was called Donna Livia. Louis Bergami acted Harlequin to the princess's Columbine. When Bergami came into the service of the princess he wore ear-rings, which witness afterwards saw, together with Victorine's ear-rings, in the ears of the princess. The princess made presents to Bergami of jewellery. Her royal highness had a cap made at Naples similar to his courier's cap; has several times seen different articles of Bergami's dress, a black handkerchief, his slippers, &c. &c. in the bed-room of the princess. Before she went to Greece, about three weeks, the princess made a visit to general Pino. The room in which witness slept communicated by a door with the apartment of the princess. After witness had lain down, she saw Bergami by the light of a small night-lamp, passing through her room into that of the princess; witness fell asleep, and therefore could not observe when he returned. At the Barona or Villa Bergami, a house and estate which the princess bought for Bergami, their bed-chambers communicated by a corridor, and were capable of being secluded from the rest of the house. About the time of the second visit to the Barona, the princess began to call Bergami "thou" (*toi*,) and he to address her "princess;" all the rest of the household called her "your royal highness." The balls at the Barona were attended by low people, but witness never saw any thing particular in their conduct before the princess. The princess took a journey through the Tyrol into Germany. At Scharnitz, the princess had

to pause, while Bergami went forward to Inspruck to make some arrangement respecting passports. Bergami went in the morning; and at about ten o'clock the princess retired to rest, the witness occupying a small bed on the floor of her royal highness's room. In about two hours, or two hours and a half, Bergami returned, and the princess directed witness to take her bed and withdraw, which she did. Bergami came into the princess's room as these orders were given, and witness thinks she left him there. The princess went to Carlsruhe. [Witness described the relative situations of the bed-chambers as Barbara Kress had done;] from Carlsruhe, they went to the baths at Baden. Witness went into the princess's bed-chamber at the last-named place by twilight; she saw the princess and Bergami sitting upon a sofa, or adjacent chairs, Bergami's arm being round the waist of the princess, and the princess's head resting upon his person. The princess did not go to court at Vienna. She travelled from Vienna to Trieste in a low open carriage, driven by Bergami. After the return to the Barona, Bergami's mother and brother dined at the table of the princess. The princess was indisposed at Rimina. At Rufinelli, the bed-chambers of the princess and Bergami were contiguous, and communicated internally. Bergami was indisposed at Rufinelli, and the princess visited him in his bed-chamber more than once. From Rufinelli, the princess, Bergami, and witness, travelled in the same carriage to Rome, Bergami sitting in the middle. Recollects nothing particular respecting his arms or hands.

At the Villa Brandi, busts were taken of the princess and Bergami. The bed-rooms of the princess and Bergami were in the same gallery; their respective entrances were above fifteen yards asunder. The princess used to dress in her bed-room. Bergami was sometimes present when she was dressing; she once changed her dress in his presence. From the Villa Brandi, the princess went to Sinigaglia and Pesaro; at the Villa Caprili, the first house which the princess occupied at Pesaro, the princess's bed-chamber was near to, and communicated with, that of Bergami. The princess had a cabinet, in which there was a sofa; witness once saw Bergami lying on this sofa, and the princess sitting on the edge of it. Once saw the princess in pantaloons, her neck and breast being uncovered; Bergami was present, and, looking at her royal highness, said, "How pretty you look; I like you much better so"—Villa Caprili is about three miles from Pesaro. Once Bergami was going to Pesaro from the Villa Caprili; he and the princess joined hands, and the princess said, "*Adieu, mon cœur mon ami*," and Bergami replied, "*Au revoir, princesse.*" Up to her first leaving Naples, the princess had divine service performed in her family every Sunday, but never after. She went to the churches of the country with Bergami; and witness once saw her fall on her knees beside him. She also told witness that she intended to have masses said for the soul of his father. The princess was occasionally visited by the neighbouring nobility at the Villa d'Este and Villa Villani, more frequently at first than afterwards. The princess told witness that she (the princess) had been rejected when proposed for admission into the Cassino, at Pesaro.

Remembers the garden wheel-chair, and Bergami playing with the princess, pushing it back and forward at the Villa d'Este. The morning after the Opera at Naples (the second morning after the princess's arrival,) the princess rose between ten and eleven o'clock, and retired for an hour, or nearly an hour and a half, into the small cabinet above described. Witness does not know where Bergami was at the time when she passed Bergami's chamber; she always observed that the outer door was shut.

FRIDAY, SEPTEMBER 1.

Louisa Demont cross-examined by Mr. *Williams*.

Has been in England thirteen months; cannot speak English, but understands it a little; understood a few of the shorter questions of the solicitor-general, Coming to England, she assumed the name of Columbier, her native place; and was once by one person only called countess Columbier; never claimed the title herself. When asked respecting the large bed at Naples, did not give a particular description, because she did not think a particular description had been demanded of her; was now ready to explain exactly the state of the bed. The door of Hieronymus's room at Naples was in the same corridor with the door of the princess. [Afterwards explained to be a different corridor from that communicating with Bergami's room.] Does not know where the servants of sir William Gell and Mr. Craven slept at Naples. Witness does not know where Mr. Craven's servant slept any one night [Witness was a good deal pressed upon this point, but persisted.] Witness herself slept in a small room above the princess; Annette Preising slept in another. Witness always lay alone in her own room the whole night, and every part of it. [This inquiry was urged as obstinately as the former.] Cannot fix the time when she saw Bergami coming undressed towards the princess's room. They were four months at Naples, and witness cannot say whether it was the first, second, third, or fourth month; in endeavouring to escape (as she called it,) witness was obliged to approach a few paces nearer to Bergami. She was standing at the princess's door, waiting her royal highness's dismissal for the night; she had no candle, though she was about to retire to rest; Bergami had a candle in his hand. The king of Naples had lent the princess a palace for the masked ball. The queen of Naples retired from illness early in the evening; there were several ladies of the court, and of high rank, present. Witness saw several costumes, but cannot say whether she saw a lady dressed as Victory. She did not go down to see the performance. Did not see Sicard or Hieronymus, or any other part of the suite, until towards morning; did not see any of the princess's attendants dressed as Turks. The princess travelled from Jaffa to Jerusalem upon an ass. Witness's sister travelled in company with the princess in the same way, but witness and the countess Oldi travelled in a palanquin. The princess rested by day, and travelled by night. When the princess retired to rest, she threw off her outer dress, and lay down in a white gown, or petticoat *(jupe)* alone. Witness's sister waited upon the princess. They took on board a Jew

harper, at Tunis. Believes he slept at the other end of the vessel from witness. Witness does not know with certainty where he slept any one night, or any part of a night, during the voyage. [This inquiry was urged with the same importunity as that respecting Mr. Craven's servant.] When the princess stopped at Scharnitz for the passports, it was in the month of March, and a very snowy day. In the daytime, the princess had lain down in a blue travelling dress, very much furred, and witness is not aware that she changed that dress during the day. Believes that she (witness) had not taken off more than her gown, when she lay down on the small bed in the princess's room. Witness was discharged by the princess in 1817; was discharged for saying something which was in fact untrue. Did not go into any other service, because she had in Switzerland funds of her own, upon which she lived. About a year after she had left the princess's service, and not before, she was applied to upon the subject of the present inquiry. It is not true that she was applied to immediately after. [Witness was here desirous of offering an explanation.] She had written to her sister, making some allusion to such an application, shortly after her dismissal, but that was a "double entendre." Does not remember whether she has ever said that the princess was surrounded with spies. Has seen baron Ompteda, and spoken with him once at the Villa Villani. The baron made several visits to the princess; one of three or four days, and others of shorter duration. The princess made a complaint of his conduct upon occasion of one of those visits, but witness does not remember what was the particular subject of this complaint; she herself took no part in the quarrel. Does not remember to have written a challenge for Mr. Hownam. [A letter was here shown to the witness, folded down.] She could not say that it was her hand-writing; it seemed rather unlike the character of her hand. Left the princess in November, 1817. At the time she left her, she knew all respecting the conduct of her royal highness, which she has detailed.

Witness (Louisa Demont) came to England, accompanied by Mr. Sacchi, a friend, Krouse, a messenger, and one of her sisters; was examined at Milan by Vimercati, the counsellor, and three other gentlemen; states upon her oath that she expects nothing for coming to England.

Mr. *Brougham* then caused the letters to be read.

The count to whom the first letter referred was Schiavina. The journal of which mention was made in the first letter, comprised the greatest part of the time during which witness lived with the princess. The witness being asked whether it was true that a person unknown delivered her a letter, first asked permission to explain; and afterwards said she had in fact once received an anonymous letter, but could not take upon herself to say where at Columbier she received the letter; the letter was without signature, but it did not contain the offers respecting her going to London, which had been read. The witness again begged to explain. The witness received a letter, which said she might obtain

a situation as governess at London, if she could obtain letters of recommendation. The witness obtained permission to explain. She commenced by stating, that the evening before she left the princess's service, she had a conversation with M. Bergami.

This was objected to by Mr. Brougham, but the objection was over-ruled.

Bergami told witness that the princess was much incensed, and that her sister would be dismissed on her account; witness begged him to interfere in behalf of her sister; he said he would, and advised witness to write to the princess; she did do so, and arranged with her sister that she should always write in the most complimentary strain of the princess, in order that the letter should please the princess on being shown to her; she long entertained a design of going to London, and she wrote the letter of the 8th of February, in order to apprise her sister in a covert way that she was about putting this design into execution, and that she was likely to be able to support her if she was dismissed in consequence of witness going to England; the allusion to the banker was in order to inform her sister, that she meant to take up her fortune from her guardian, in order to bring it to England, where she heard the interest would be double. She wished also to convince the princess, that money would not tempt her, though questions should be put to her.—Witness was asked by Mr. Williams whether she had any other explanation, and she said, that at the time she felt a very strong attachment to the princess. Witness saw the letters last night, but did not remark the dates. She was accompanied last night by a lady—one of her friends, and a gentleman, whose name she does not know; witness went directly home without waiting in any other place, except a moment in a room above stairs in this house (the House of Lords); will not swear that she did remain half an hour; cannot swear as to time: witness saw the lady she spoke of, and the gentleman who conducted her; has not passed all the time since yesterday thinking of the letters, but has reflected upon them; cannot recollect at this distance of time what she meant by the phrase capital of Europe in one of the letters; it was often witness's practice to write in a double sense, and has frequently in jest called Columbier or Lausanne the capital of Europe; she said in her letter that she wanted money; by that she meant that she had no money without drawing upon her guardian, perhaps she had not money at the time; witness paid board to her mother; does not remember that any one lent her money at the time she lived with her mother; is sure nobody gave her any; witness's sister, whom she wished to get into the princess's service, was at the time nineteen; her step-father maintains himself by a farm, which he cultivates.

Re-examined by the *Solicitor-General*.

The farm cultivated by witness's step-father, is in fact her property, having been bequeathed to her by her late father; it is worth fifty Napoleons per annum. Her sister Mariette, who now lives with the Queen, is only her half-sister. She is the daughter of her step-father and her mother, and has no property whatever,

but her wages from the Queen. Witness was dismissed from the Queen's service for two letters she wrote. In one of them she said the Queen liked (*aime*) M. Sacchi; this letter she put into the post-office at Pesaro. The next day she saw it in the princess's hands, without knowing how it came there. The princess understood the term (*aime*) erroneously, as charging her with an improper passion for M. Sacchi. This the witness explained; but the day after she had put the second letter into the post-office she was dismissed: does not remember that the princess made any allusion to the second letter. Witness's mother had received letters from Mariette, parts of which appeared to have been written by the princess. Witness here proved some letters as of the princess's writing. After witness saw Bergami in his shirt in the corridor at Naples, the door through which she passed was shut behind her, and she heard the key turn in the lock. Hieronymus called upon witness at her lodgings about nine weeks ago; he called twice in the course of the same day; Schiavini was the person who used to give certificates of character to the servants discharged from the princess's household.

EXAMINATION BY LORDS.

By the Earl of Limerick.—Had said she could not describe the state of the large bed at Naples, because she might have had to make use of terms which were not decent; in fact, the bedcover was extremely pressed down in the middle, and there were large stains on the coverlid, which had not been there before.

By Earl Grey.—After she was dismissed from the apartment of the princess at Scharnitz, witness retired to the room occupied by her sister, and the Countess Oldi, where she rested upon her bed on the floor half dressed. [That part of the witness's letter, in which she alluded to spies surrounding her royal highness being read, she stated, that the letter had been so long written, that she was unable to explain that allusion, or the place which she meant to designate by the title, "Capital of Europe."] Is sure that the observation respecting spies, did not arise from the offer which the letter stated she had received, respecting advantages awaiting her in London; because, in fact, the offer was never made to the extent described in the letter. The reference to that offer was a *double entendre*, by which she wished her sister to understand, that if she should be discharged by the princess, still witness had the means of placing her in London. Witness was anxious that her sister should continue in the service of the princess; notwithstanding what she had witnessed at the halls at the Barona, because, for particular reasons, her sister could not remain at home.

By the Marquis of Buckingham.—Witness did in fact receive a proposal to come to England, with a promise that she should be advantageously placed as a governess; all beyond this in her letter was mere fiction, designed to put her sister in possession of witness's views respecting her. Witness saw the princess dressed in a riding habit during the day at Scharnitz; cannot say whether her royal highness undressed going to bed; does not remember seeing any wet linen lying about when she went down to

dress the princess, after the bath on board the polacre; the princess was in her own cabin where her bed was, and the bath, to the best of witness's recollection, was in the dining-cabin.

By the Earl of Derby.—Witness had written in the mysterious manner alluded to, for fear her letters should be intercepted. She arranged with her sister a private mark to be affixed to their ambiguous correspondence; but cannot now say what the mark was.

By the Earl of Liverpool.—Remembers the princess bathing on board the polacre, twice only; cannot say with certainty in what room the princess bathed; but remembers that she herself used the bath in the dining-cabin.

By Lord Ellenborough.—One reason why witness apprehended that her letters would be intercepted and read by Bergami, or the princess, was this; witness's sister had written to their mother a letter, which she put into the post-office at Pesaro; it was taken up at the post-office; something was altered in it, and her sister said, that she had no news from her friends. As far as witness recollects, her sister was in the room when the princess passed through with the pillow in her hand, at Catania. At General Pino's, about a quarter of an hour, or half an hour elapsed, between witness's seeing Bergami, and her falling asleep. When witness first saw Bergami in his shirt at Naples, she was about four or five paces from the door, by which she escaped; Bergami was about ten or eleven paces; Bergami needed not to have entered the princess's room through the door by which witness escaped.

By the Marquis of Lansdowne.—[Witness's answer to the Earl of Derby was read.] Received but one letter from her sister; cannot say whether it bore the mark agreed upon. Thought her sister would understand her letters without the mark; but it is so long since, cannot say why she thought so. The letter inviting witness to England was not signed; as well as she recollects, it was written in the French language; does not recollect whence it was dated, whether it was conveyed by post, or private hand; whether she formed any surmise of the writer; whether she answered it, or whether there was any thing contained in it beyond the offer of obtaining her an establishment as a governess; has not this letter in England, nor does she think that it is at Columbier, inasmuch as she burned some, though not all of her letters.

By the Earl of Lauderdale. Previously to her receiving the anonymous letter, witness had thoughts of coming to England as a governess; cannot say whether the letter which she has described, as taken up from the post and altered, was addressed to her, or to her mother; this was the only letter received before witness wrote the letter of the 8th of February, 1818, produced by the queen's counsel. After that their mother received several letters from her sister; witness was sincere in her praises of the personal qualities of the princess, her patience and goodness.

By the Earl of Darnley. Her attachment to the princess ceased, when she heard that her royal highness had said several things of her; and that several things had been said of her in the house of the princess. The covering of the large bed at Naples, which she described as stained, was white.

By the Earl of Morton. The communication between the dining-cabin of the Polacre and the tent used to be open at night. —[Witness ordered to withdraw.]

TUESDAY, SEPT. 5.

GIUSEPPE SACCHI sworn.

Is a native of Villenchino; entered the service of the princess of Wales, September, 1816, at the Villa d'Este; continued in her service precisely a year; his situation, when he first entered her service, was that of a courier; was afterwards appointed equerry; remained at the Villa d'Este about six weeks; soon after he entered the princess's service, witness was sent with dispatches to the Duchess of Parma, and brought another dispatch back; the princess, when witness returned, was at dinner with Bergami; the princess read the dispatch, and laid it on the table; Bergami took it up, when the princess proceeded to ask witness several questions, and Bergami read it, or pretended to read it, without asking leave. Witness was again sent to Milan with dispatches for Governor Saurau; witness was directed by Bergami to bring the answer the same night if possible; he returned after midnight; he asked the footman where Bergami was; he went in consequence of the answer [which was forbidden to be translated by Mr. Denman] to Bergami's room; he saw the bed tumbled, but empty; he then (witness) went away, and in going away heard somebody on the opposite side, and somebody cried out, "Who is there?" knew it was the voice of Bergami, and replied it was the courier from Milan. Bergami came out, and observed there was no necessity for bringing up the answer. He had on a dressing-gown, and under it witness saw nothing but his shirt; could not see where Bergami came from, because it was dark; he came, as it seemed, from two unoccupied rooms; witness does not know where the princess slept; has seen the princess and Bergami together at the Villa d'Este; they used to walk arm-in-arm; remembers carrying a letter to General Pino; he brought a verbal answer; delivered it to the princess; she was at the time in her own anti-chamber [witness described the situation of the anti-chamber:] this anti-chamber was near the place where he saw Bergami on the night of his return from Milan; there was a corridor and two rooms between them; the princess used to address Bergami with the familiar expressions of *Mon Ange, Mon Amour, Mon Cœur,* (my Angel, my Love, my Heart.) Remembers the princess going to Turin; witness accompanied her to Turin; the princess went to the inn of the Universe; witness went before her for the last stage; he arranged the rooms before the princess's arrival; the best apartments were left for the princess and the dame d'honneur, and the women; for the gentlemen other apartments quite separate to themselves were provided; when the princess and Bergami arrived, witness showed them the disposition that had been made, but the princess and M. Bergami disapproved of it, and the apartments previously intended for the men were occupied by Bergami, the princess, the dame d'honneur, and the women; the room of the dame d'honneur interposed between those

of Bergami and the princess, between which this room afforded a mutual communication. Remembers the balls at the Barona; at first the balls were attended by persons of all ranks, including some people of distinction; but latterly some liberties were taken by the persons of the princess's suite with the low women, and the people of distinction disappeared; the liberties to which he alluded were these,—the men used to take the low women from the ball-room, and make them go out at their pleasure and will; has not heard the princess say any thing upon these persons going out in this manner.

One day the princess said she wished to give the women a present; "how shall we dress these maids?" she said, and then asked me whether I thought they really were maids? I replied, "that as far as I knew they were;"—"No," says she, "you rogue, you are a liar, you have gone to bed with three of them, and how many times you have had intercourse with them I know." Bergami, who was standing by, cried, "It is true, it is true," and laughed; witness being surprised at this compliment, endeavoured to exculpate himself, but Bergami persisted in crying out, "It is true." Has seen the princess at the balls in the same room with those persons of low condition; has not seen her dance; has heard the princess observe upon these balls, pointing out certain women with her finger, that the population of the Barona was much increased. Remembers Bergami purchasing a carriage in Germany; it was for witness's use in bad weather, but in fair weather it was frequently occupied by the princess and Bergami. Upon one occasion the princess and Bergami set out suddenly in this small carriage; witness was not able to overtake them until they had arrived at the first station. On his arrival at the place of rest, he went to look for the princess in a room pointed out to him; he found the princess and Bergami reclining on a bed (but witness must observe decently dressed;) they were lying on the bed as far as the middle, their backs resting against the wall. The princess leaving Munich told him the first thing to inquire at any inn was, whether there were any English, then to ascertain their rank, if there were any, and go somewhere else for the lodging of her royal highness; on that journey the witness distributed the lodgings as far as Carlsruhe; at Carlsruhe a change was made, similar to that made at Turin, and from thence witness left the arrangement of the rooms to Bergami and the princess. Their apartments after this were as near as possible; went onward to Monte Falcone; arrived after night. The princess and Bergami went up to a room together, where they waited until the suite arrived; about an hour or an hour and a half. The princess went from the Barona to Rome; they stopt at a place called Savignino, when the princess was taken ill with violent pains; Bergami and the Countess Oldi attended; saw Bergami and Countess preparing hot cloths. As they were warmed, Bergami carried them into the princess's room as well as Countess Oldi. At Ancona, witness was one day called by Bergami, while he [B.] was sitting in bed; as witness was there a door opened, which witness believes to have been from the room of the princess;

witness cannot say with certainty that it was the princess's room; but he saw the princess's toilet boxes and other like furniture. There was a bed in the room. Bergami was confined to his bed at Rufinelli. One evening witness was going to visit him, and through his door he saw that Bergami was in bed, which was at eleven o'clock at night. The princess was stretched on a sofa by Bergami's bed-side; there were some cushions on the sofa; witness withdrew immediately.

From Rufinelli the princess moved to Villa Brande; witness slept in the left wing of the house; Bergami slept in the corresponding room of the right wing; her royal highness slept in the same wing; one night after midnight, in very hot weather, witness stood at his window, he heard a noise, he saw Bergami go out of his own door, and go into the door which led into the princess's room, from which he came out no more. Witness stood an hour at the window; he saw Bergami do the same thing another night, when also he remained; but witness on this occasion did not remain more than a quarter of an hour; saw two busts at the Villa Brande, one representing the princess, the other Bergami; they were nearly of the same size. The night when he saw Bergami go to the princess's room was in July; the princess went from Rome to Senigaglia; the weather being extremely hot, they travelled always by night; witness rode by the side of the carriage; at dawn witness used to draw the curtains of the carriage to receive orders; on these occasions witness has often seen the hands of Bergami and the princess upon each other, the princess's hand most indecently placed upon Bergami's person, and Bergami's hand laid upon her's: upon one occasion he saw Bergami's breeches in part unbuttoned, and the princess's hand upon the private part of Bergami, and Bergami's hand upon her's. Does not remember whether any one else was in the carriage; the princess and Bergami were asleep. Saw at another time the princess kiss Bergami's neck; witness was with the princess at Pesaro; Bergami was absent from Pesaro two days: the princess went to meet him; when they met, both dismounted from their respective carriages, embraced, kissed, and returned in the same carriage.

Cross-examined by Mr. Brougham.

Cannot speak English; has gone under the name of Milani; has lived some time in this country, a part of it at Aston, near Stevenage, in the house of the Rev. Philip Godfrey. Was first examined upon this subject in November, 1818. Was examined by Vimercati, Powell, Cooke, and Browne, at Milan; was not then sworn to his deposition, but was sworn at Powell's chamber, in London. Has always possessed the means of supporting himself; received no stipulated wages from the princess, but got from her in the whole about sixty or seventy Napoleons, for nine months' service as courier, and three as equerry. Was recommended to her royal highness by the banker Ceriani, baron Cavaletti, and Bergami. Has been, thank God, always in easy circumstances. Does not know whether he was introduced to Mr. Marietti as Count Milani. Never said that he came over for com-

mercial purposes; said that he came over with a Spanish family; said that he had a law-suit with the princess; did not say she owed him, nor did he mean to say at first that he was one of the witness's against her; made use of the assertion merely as a *double entendre*. After he returned from Aston, he communicated the fact to Mr. Marietti; told his name to one of the brothers of Marietti some months before, who came to visit witness; told Mr. Godfrey's family that his name was Sacchi, and caused it to be told by a Mr. Speriati, a relation of Marietti's, that he was one of the witness's against the queen. Has frequently visited Marietti since he made these communications, but was never addressed by that gentleman by any other name than Milani. Does not remember that he intreated to be taken back into the princess's service, but it may be; never described himself as destitute, because in truth he could not.

WEDNESDAY, SEPT. 6.

GIUSEPPE SACCHI'S re-examination continued.

Took the name of Milani on his arrival in England on account of the tumult *(tumulto)* that had taken place.

EXAMINED BY LORDS.

By Earl Grosvenor. Has no half-pay; offered his service to the Swiss government; but no higher rank was proposed to him than that of serjeant, which he declined. It was his custom to open the curtains of the carriage to take orders, and he was never reprimanded for it. Knows Mademoiselle Demont; knows that she took the name of Columbier, but is not aware that she ever assumed the title of countess; never changed his name before the last two occasions.

By Lord Kingston. No one has ever made him a promise of money, or endeavoured to dissuade him from giving evidence.

By the Marquis of Buckingham. The Mariettis are, as he heard, bankers at Milan. Giuseppe Marietti came to witness's lodging one day, and told him that he was applied to by Mr. Brougham, the queen's attorney general's brother, to ascertain from witness if he knew the number and names of the witnesses likely to appear against the queen. This information Mr. Brougham represented as rendered necessary by the refusal of a list of witnesses. Mr. Marietti, at the same time, observed to witness, that he did not in the least wish to urge him, if he was unwilling to give the desired information, or to induce him to commit himself. Witness declined giving the information, stating, that he knew of but one witness, and one deposition. Marietti never offered him money in respect of the evidence he was to give.

By Earl Grey. Took the name of Milani at Paris, as he knew that he was known in London by his own name. He took the name of Milani to shelter him from inconvenience; was warned that the witnesses against the queen would run some risk if they were known. When witness in his re-examination spoke of a tumult as the principal motive for his assuming a false name, he alluded to a communication made to him by Krouse, a British

messenger, that something had occurred to other people on this account already—Krouse did not explain the particulars of the occurrence; but witness understood it had some relation to the witnesses against the queen. Was sent for to come to England; laid aside the name of Milani at the time of the Dover riot, and not before. Some of the balls at the Barona were given previously to the princess's going to Turin. Does not remember the King of Sardinia, and his queen, or either of them, waiting upon the Princess of Wales at the hotel of the Universe.

By the Marquis of Huntley. Entered the army as a private soldier; was promoted to his present rank for his own good conduct and merit.

By Viscount Falmouth. The princess at the balls at the Barona had her own private party, with whom she used to remain in her own room; but she used to come into the ball-room for three or four minutes, and then return. Never observed that the women were taken out of the ball-room in the princess's presence. Witness always considered himself as one of the company. The company were always invited by the princess, or by some one appointed by her. Does not remember that he had any recent quarrel with Bergami at the time of leaving the princess's service.

By the Earl of Lauderdale. The princess always spoke to witness in French; the words used by her royal highness upon the subject of his imputed familiarities with the girls at the Barona balls were—"Je veux faire un cadeau à quelqu'unes de ces demoiselles qui viennent à la danse; comment peut-on les habiler ses vierges, M. Sacchini: croyez-vous qu'elles sont-telle?" Witness replied, that as far as he knew they were honest girls, and that he had nothing to lay to their charge. Upon which the princess said —"Eh, coquin, je sais que vous avez couché avec trois d'eux et aussi, combien de fois vous avez eu commerce avec eux." There were balls subsequent to this conversation. They were attended by nearly the same persons. Witness did not know the "verginelli" to whom the princess alluded. The princess had three or four carriages in her suite; does not remember which was that in which he saw the indecency he has described. The princess and Bergami were sitting, but believes they might have stretched at length in any of the open carriages. Cannot say whether the Countess Oldi was in the carriage.

By the Earl of Balcarras. The princess sat on the right of Bergami, and his breeches were open on the right side.

By the Earl of Rosslyn. Did not ask for orders because they were asleep.

By Lord Calthorpe. The motive which the princess assigned for dismissing witness was, a quarrel with the confectioner; he remonstrated that that offence did not deserve so severe a punishment, but without success.

THURSDAY, SEPT. 7.

TEODORO MAJOOCHI again cross-examined.

Knows a person named Gavazzi, a jeweller in Milan, a fat man, but witness has never been in his shop; recollects a person of the

same name who last winter lived in Greville-street, Hatton-garden, who told witness that he was related to Gavazzi of Milan; witness knew him only a few days; did not stop in London more than eight or ten days; dined twice in company with him; this was after the king's death; witness arrived on the day of the king's funeral; showed Gavazzi a letter, which he said he had received from somebody in England to carry abroad. The letter was a dispatch addressed to Lord Stewart; showed him also some Napoleons which he had received for his journey; thinks they were eighty Napoleons; can swear that he did not tell Gavazzi that more has been given to him than he had asked; does not know the name of Liquor-pond-street; witness "came in a sack, and went away in a trunk," [this is a vulgar proverb in the Milanese;] remembers there were many Italians dined at the same place with witness and Gavazzi; remembers one who acted as a guide to him through the city; never asked his name; he was said to be a carpenter; remembers going with this person to several places, the names of which he does not know. A question being asked of the witness, what was the day on which he so walked with this person, he replied that it was the day on which the people were going to see the king; Mr. Brougham repeating the question, asked whether it was the day of the king's funeral.

On the day of witness's arrival last winter at a large house, where he was told the king lived, there was a sentinel at the door; he went several times backwards and forwards to the same house. The first time he left his companion at the door; does not remember to have left him at the door more than once, always found him waiting there when witness came out; once came out of the great house accompanied by a gentleman whom he found in the house. The gentleman was Mr. Powell; did not go to Mr. Powell's chambers at the time, but made an appointment to go to him at six o'clock, which appointment witness afterwards observed; went upon one occasion with a note from Mr. Powell to the great house. Witness never heard that the name of the house was Carlton-house, but heard it was the king's; saw some ancient Grecian columns before the house; there is a court before the door; does not remember that he had any conversation with Mr. Powell respecting expenses before his companion, or *lacque de place;* does not remember Mr. Powell saying in presence of this person, that money was no object; Mr. Powell never said any such thing; never spoke upon the subject; Mr. Powell never spoke to witness on the subject of the queen since he made the first deposition at Milan; [a letter was here produced by Mr. Brougham;] witness denied any knowledge of it, saying that he could not read or write; does not know Mr. Long; knows the house where he used to meet Gavazzi, and knows the landlord of the house; but does not know his name or sign. [Mr. Long the landlord was here produced, and identified by witness.] Has seen Mr. Powell several times in the house where the witnesses live, and since his first examination by the House, but has had no opportunity of conversing with him; witness employed the person now produced (Mr. Long) to write those letters; one to Mrs. Blackwell [Mr.

Brougham here read a letter.] It stated that Mrs. Blackwell's friends were well: that witness had got a situation; that he was going to Vienna; and concluded by sending his respects to her family (including Mrs. Hughes,) and a very warm expression of affection for the whole family.—Being asked whether witness wanted to marry Mrs. Blackwell, he replied that he wanted to marry them all, Mrs. Blackwell, Mrs. Hughes, and all the women in the family.

Re-examined by the Attorney General.

When witness received the Napoleons, he was employed as a courier; he was instructed to travel with the utmost dispatch; the money he was told was to be accounted for, and in fact he accounted for it at Vienna; the note which witness carried from Mr. Powell to the great house was for a passport; from the great house he carried an order to the house of the ambassador, where he got his passport; saw at the great house a footman, and a large rather handsome man, who spoke by signs. The first time witness went to the great house he carried a packet; the second time he called for a receipt for the packet, and to learn if there was any answer; the third time he called in consequence of having been directed to call again; the fourth time he called for his passports; these were the only occasions on which he called at the great house.

Tuesday, October 3.

THE QUEEN'S DEFENCE.

Mr. *Brougham* then proceeded to address the house on the part of her Majesty, which he continued to do with masterly eloquence and acumen for two days. In conclusion, Mr. Brougham observed, that as the conduct of the Queen had been so severely scrutinized and as it was important to shew that where guilt had not existed, even impropriety could not be proved, he had thought it right to say so much of the circumstances of Bergami. If the Queen had frequented company below her proper station, if she had been proved to have committed any guiltless unworthiness, he could have stood notwithstanding upon high ground indeed; but he had no occasion to stand upon it; guilt there was none—levity there was none—unworthiness there was none: had there been any of the latter, he might have appealed upon a ground which always supports virtue in jeopardy,—the course of her former life at home, while she enjoyed the protection of the late King. In his hand he held a testimonial from that beloved prince, which he was sure could not be read without the deepest sense of its im-

portance, and the deepest sorrow that he who wrote it had been no longer spared. The plainness and honesty, and intelligible manly sense of this letter (said the learned gentleman), is such that I cannot refrain from the gratification of reading it. It was written in 1804—

"*Windsor Castle, Nov. 18th*, 1804.

"My dearest daughter-in-law and niece;—yesterday I and the rest of my family, had an interview with the Prince of Wales at Kew. Care was taken on all sides to avoid all subjects of altercation or explanation; consequently the conversation was neither instructive nor entertaining; but it leaves the Prince of Wales in a situation to show whether his desire to return to his family is only verbal or real,"—(a difference which George III. never knew, except in others)—"which time alone can show. I am not idle in my endeavours to make inquiries that may enable me to communicate some plan for the advantage of the dear child, you, and me, with so much reason, must interest ourselves; and its affecting my having the happiness of living more with you is no small incentive to my forming some ideas on the subject; but you may depend on their being not decided upon, without your thorough and cordial concurrenee, for your authority as mother it is my object to support.—Believe me, at all times, my dearest daughter-in-law and niece, your most affectionate father-in-law and uncle,

"GEORGE R."

This, my lords, was the opinion which this good man, not ignorant of human affairs, no ill judge of human character, had formed of this near and cherished relation, and upon which, in the most delicate particulars, the care of his grand-daughter and the heir of his crown, he honestly, really, and not in mere words, always acted.

I might now read to your lordships a letter from his illustrious successor, not written in the same tone of affection—not indicative of the same tone of regard—but by no means indicative of any want of confidence, or at least of any desire harshly to trammel his royal consort's conduct.

The learned counsel read the letter, as follows:

"Madam,

"As Lord Cholmondeley informs me that you wish I would define in writing the terms upon which we are to live, I shall endeavour to explain myself upon that head with as much clearness and with as much propriety as the nature of the subject will admit. Our inclinations are not in our power, nor should either

of us be held answerable to the other, because nature has not made us suitable to each other. Tranquil and comfortable society is, however, in our power; let our intercourse, therefore, be restricted to that, and I will distinctly subscribe to the condition which you required, through Lady Cholmondeley, that even in the event of any accident happening to my daughter, which I trust Providence in its mercy will avert, I shall not infringe the terms of the restrictions, by proposing, at any period, a connexion of a more particular nature. I shall now finally close this disagreeable correspondence, trusting that, as we have completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity. I am,

"Madam, with great truth,

"Very sincerely your's,

"GEORGE P.

"*Windsor Castle, April 30th*, 1796."

My lords, I do not call this, as it has been termed, a letter of licence—this was the term applied to it, on the former occasion, by those who are now, unhappily for the Queen, no more—but I think it such an epistle as would make it matter of natural wonderment to the person who received it, that her conduct should ever after—and more especially the more rigorously, the older the parties are growing—become the subject of the most unceasing, unscrupulous watching and investigation.

Such, my lords, is this case now before you! Such is the evidence in support of this measure—inadequate to prove a debt—impotent to deprive of a civil right—ridiculous to convict of the lowest offence—scandalous if brought forward to support a charge of the highest nature which the law knows—monstrous to ruin the honour of an English Queen! What shall I say, then, if this is their case—if this is the species of proof by which an act of judicial legislation, an *ex post facto* law, is sought to be passed against this defenceless woman? My lords, I pray your lordships to pause. You are standing upon the brink of a precipice. It will go forth your judgment, if it goes against the Queen. But it will be the only judgment you ever will pronounce which will fail in its object, and return upon those who gave it. Save the country, my lords, from the horrors of this catastrophe—save yourselves from this situation—rescue that country, of which you are the ornaments, but in which you could

flourish no longer, when severed from the people, than the blossom when cut off from the root and the stem of the tree. Save that country, that you may continue to adorn it—save the crown, which is in jeopardy—the aristocracy which is shaken—the altar itself, which never more can stand secure amongst the shocks that shall rend its kindred throne. You have said, my lords. you have willed---the church and the king have willed---that the Queen should be deprived of its solemn service. She has, indeed, instead of that solemnity, the heartfelt prayers of the people. She wants no prayers of mine. But I do here pour forth my supplications at the Throne of Mercy, that that mercy may be poured down upon the people, in a larger measure than the merits of its rulers may deserve, and that your hearts may be turned to justice.

Mr. *Williams* followed on the same side.

The counsel then proceeded to call witnesses for the defence.

THE EARL OF GUILFORD SWORN.

IN the beginning of March, 1815, arrived at Naples, in company with his sister, lady Charlotte Lindsay. The queen was already there, attended by lady Elizabeth Forbes, the hon. Keppel Craven, Sir William Gell, and Dr. Holland. Bergami was also in her majesty's service as a courier. Left lady Charlotte Lindsay at Naples, and met the Queen again at Rome; dined with the queen at Naples: There was a large party, including a good many English. Witness and Lady Charlotte Lindsay lived in the same house with the queen at Civita Vecchia. Mrs. Falconet, wife of an eminent banker of Naples, was also in the house, with her daughters, one fifteen years old, the other younger; all dined at the queen's table. Embarked with the queen on board the *Clorinde*, and disembarked with lady C. L. at Leghorn. Did not see the queen again until November, 1815, at Como; saw her first on the lake; dined with her on that occasion; Bergami dined at the table; dined with her on the following Sunday at Milan (by invitation); upon that occasion, also, Bergami dined at the table.

EXAMINED BY LORDS.

By Lord Rous.—Bergami was alone in the boat with the princess, when witness first saw her on the lake.

By Earl Grey.—Certainly never saw any improper familiarity between the queen and Bergami. The manners of the countess Oldi were perfectly inoffensive; there was nothing remarkable about them; they were very modest, not particularly vulgar. The impression upon witness's mind was not that of having conversed

with a vulgar woman. The countess Oldi did not strike as being a woman of very fascinating manners, or very refined, but he did not perceive any great difference between her and other Italian ladies.

By the Earl of Liverpool.—At Como, did not know with certainty, that the Countess was Bergami's sister; thinks he had heard it—had certainly heard it before he dined at Milan.

By the Earl of Lauderdale.—Both at Como and at Milan the queen sat at dinner between the witness and Bergami; Bergami received no particular attention from the queen, who was exceedingly gracious to witness. The countess Oldi, on both occasions, sat at the other side of witness, as he believes. Lieutenant Hownam, Austin, and an Italian gentleman were also at the table.

By Lord Kenyon.—The boat in which the queen and Bergami were, was a small one; Bergami rowed it; it was at no great distance from the shore.

By Earl Bathurst.—The queen introduced Bergami—"Voici Monsieur Bergami."

By the Earl of Darlington.—Bergami's conduct was nothing particular—highly respectful to the queen.

By Lord Ellenborough.—Bergami's manners were perfectly unobtrusive; he was not in the least forward; remembers no particular conversation with him. Witness could not, from the opportunities he had of observing Bergami, form any opinion of his being superior to the situation in which he had formerly lived.

LORD GLENBERVIE, sworn.

In the year 1815, was at Genoa; Lady Glenbervie attended upon the queen provisionally, until the arrival of lady Charlotte Campbell; it was in the months of March (from the 26th), April, and May (till the 17th); during that time witness dined frequently (twice or thrice a week) with the queen; Bergami waited behind her majesty's back in the habit of a courier. Witness often sat next to the queen, and her conduct, as witness observed it, was strictly that of a mistress to her servant. Bergami's conduct had nothing particular in it. The marchese John Carlo Negri, some other Genoese noblemen, and several English gentlemen, used to be at the queen's parties; lady Wm. Bentinck, and, in a word, all the persons of rank in the place attended her majesty's balls and dinner parties.

LADY CHARLOTTE LINDSAY, sworn.

Entered the queen's service in 1808. Went with her majesty as far as Brunswick in 1808, as lady of the bed-chamber; returned from that city conformably to a previous arrangement; joined the queen again, as lady of the bed-chamber, at Naples, in March 1815; accompanied her from Naples to Rome, and from Rome to Civita Vecchia, and thence on board the *Clorinde* to Leghorn, where witness again left her majesty, agreeably to a previous arrangement. At Naples, the queen was visited by lord and lady Llandaff, lord and lady Gage, lord and lady Conyngham, lord and lady Holland, and various others; lord Clare, lord Granville Somerset, lord Frederick Montague, lord and lady Oxford, and many

young Englishmen; Mr. Fazakerley, Mr. Davenport, Mr. Wm. Bankes, Sir Humphrey and lady Davy, and many others. On board the *Clorinde*, the queen was accommodated with but half the cabin, the other half being petitioned off for the captain and his brother. Her majesty, who conceived herself entitled to the whole cabin, was displeased at this arrangement, but made no formal complaint upon the subject. Remembers Bergami in the capacity of a courier; had frequent opportunities of observing the Queen's conduct towards that person, and his conduct towards her; it was just in the ordinary course, as a mistress would act to a servant, and a servant to a mistress; never saw any thing improper; left the queen's service in 1817, in consequence of her brother (the earl of Guilford's) advice.

Witness's salary from the princess was, at one time, considerably in arrear. In 1817, it would have been particularly disagreeable to witness to join the queen, because she was then labouring under great depression of spirits, from the loss of two near relations, lord Guilford and lady Glenbervie. Witness herself, never observed any improprieties in the conduct of the queen, to induce her to quit her service.

EXAMINED BY LORDS.

By the Earl of Donoughmore.—The experience which witness had of the queen's conduct in Italy, embraced a period of 24 days, and no more; is not aware that Faustine (Bergami's sister) joined the household at Naples; rather thinks that Louis Bergami did join the suite; is quite sure that no child had been received into the family; certainly had seen no improprieties in the queen's conduct; but the reports were of so unpleasant and degrading a nature, as to operate very powerfully on witness's mind, in making her not wish to continue in the queen's service.

By Lord Calthorpe.—The manners of the queen towards all her domestics were peculiarly affable. The manners of foreigners in general towards their servants, are much freer than those of English persons; and the queen's familiarity with her servants did not greatly exceed that of most foreigners; the queen spoke to Bergami as she did to Sicard and to the other servants.

By the Earl of Lauderdale.—The earl of Guilford's advice to quit the queen's service was conveyed in a letter. Witness does not think that the advice had any relation to the difficulty in the way of obtaining her salary; is sure it had not. Thinks the letter is not in existence. [Witness was requested to search for the letter.]

THE EARL OF LLANDAFF, SWORN.

Was in Italy in the year 1815, and the end of 1814; witness and lady Llandaff frequented the society of the princess of Wales at Naples; she was visited by the generality of the English, and by all the Neapolitan noblesse of course. Saw Bergami at Naples; never observed any impropriety in the queen's conduct, from which he could hesitate to permit lady Llandaff to visit her. Met the queen again at Venice, lodged in the same hotel with her, the *Gran Brettagna;* saw nothing improper in her conduct there. It is the ordinary practice in Italy for gentlemen to visit ladies in

bed in the morning. Witness has frequently visited ladies under such circumstances.

Cross-examined.

Thinks that he has gone into the queen's sitting-room at Venice, without a formal announcement, but never into her bedchamber.

Examined by Lords.

By the Earl of Lauderdale.—Does not remember the name of any of the queen's servants at Naples, except Bergami. Bergami was a very singular figure, a very strong looking man. Witness never asked who he was, but some one pointed him out, saying, there is Bergami, and his remarkable figure impressed the name on witness's memory.

By Lord Grantly.—Saw nothing in the queen's conduct calculated to reflect disgrace upon the country.

The Hon. Keppel Craven, sworn.

In the year 1814, was in the queen's service as one of her chamberlains; left her, after six months, at Naples, in conformity with an arrangement made before witness left England. When witness set out, he designed to attend upon the queen for two months, and no more. At Milan it became necessary to hire a courier, and witness applied to the Marquis Ghisiliari, grand chamberlain to the emperor of Austria, who had been appointed by the governor, general Bellegarde, to attend upon the queen. The marquis recommended Bergami, he said he could recommend him very strongly, having known his family some time. Witness thinks the marquis added a hope, that Bergami might be continued in his situation, and remain as a servant out of livery, when the queen stopped any where. The marquis said he knew Bergami's family, and wished to be of use to them all, as Bergami had served some friends of his. The queen arrived at Naples on the 8th of November, at about half-past six; she drove to the house that had been provided for her; it was extremely inconvenient; Sir William Gell and witness had very bad rooms, and they took lodgings out of the house the following day. The day after the queen arrived, the king and queen of Naples waited upon her; she dined at court that day, and there was a concert in the evening, at which she remained until half-past eleven. On the following night she went to the opera; she sat in the royal box with the king and queen; the house was illuminated; the queen remained until the conclusion of the whole performance. The opera at Naples is always late, and on that night it began later than usual, and the performance was much protracted beyond the usual period, by a very long and tiresome ballet. Rememembers a masked ball, which the queen gave in compliment to the king of Naples; the queen wore three dresses, one was a Turkish dress, another the dress of a Neapolitan peasant, and the third was the costume of the Genius of History, as witness was told; saw the last for a very short time; does not recollect that it was at all indecent; it might have been worn under the Turkish dress, so as to render stripping unnecessary in the change of characters.

Never observed any impropriety whatever between the queen and Bergami, from the time of his being hired at Milan, and witness' departure from Naples. Subsequently, witness dined three times in company with her majesty and Bergami, never saw any impropriety upon any of these three occasions; saw the countess of Oldi once; she is not a person of vulgar manners. Before the queen entered Italy, witness suggested to her majesty, that Austin's continuing to sleep in her bed-chamber, might give rise to observations. Austin at that time appeared to be thirteen or fourteen years old. Very often dined in company with the baron Ompteda at the queen's table. Teodoro Majoochi must have seen him upon all these occasions, because he usually waited at table. The marquis Ghisiliari is dead.

Cross-examined.

First dined in company with Bergami at Pesaro, and last at Rome, the day before her majesty left that city for England. Witness once mentioned, to a person at Naples, that he had seen her majesty walking in the garden (attached to her house); that Bergami was near her at the time in the garden, and that as he (witness) knew there was a spy in Naples at the time, he thought it necessary to caution her majesty with regard to any outward appearances that might be misconstrued; was informed of the presence of the spy at Naples by a letter from England. When witness spoke to the queen upon this subject, she said that she had brought Bergami into the garden to speak to the workmen who were employed there. Witness saw only the queen and Bergami; but as he saw them only by reason of their being exalted upon a terrace, it was perfectly possible that there might have been labourers in the garden whom he could not see; and, in fact, he had heard that there were labourers employed there. Never remembers Bergami (while still a courier) coming into the room where witness and Sir William Gell sat, and seating himself between them; of course never made any statement of such an occurrence.

Examined by Lords.

By Lord Erskine.—If the queen's dress at the masked ball had been grossly indecent, witness must have observed it; saw nothing immodest in any of her three dresses.

By the Earl of Roseberry.—Understood that the advice he had given respecting the removal of Wm. Austin's bed, had been promptly followed. Witness gave the advice before the queen entered Italy.

By Earl Grosvenor.—Considered the manners of Bergami as superior to those of an ordinary courier.

By Lord Ellenborough.—There was not the least impropriety in the manner in which the queen was walking in the garden with Bergami. Bergami's manners were not so fawning and servile as those of the generality of Italian servants; since witness has seen him in the character of a gentleman, his manners were such as became that character.

By the Earl of Liverpool.—Had no reason for giving the queen a hint upon the subject of walking in the garden, but the letter

from England apprising him that her majesty's motions were watched; would have spoken to her exactly in the same way respecting any other servant.

By Lord Gosford.—On the journey to Naples there were always some of the men servants placed near the queen at night, Sicard or Hieronymus as witness supposes: the gentlemen of the suite were not so placed.

By Lord Combermere,—Bergami was walking behind the queen upon the terrace as servants usually attend their mistresses.

The Earl of Donoughmore, Earl Bathurst, the Earl of Darlington, and Lord Belmore, also examined, but the result of their examination was unimportant.

Sir WILLIAM GELL, sworn.

Has been one of the queen's chamberlains since about a month before she went abroad; accompanied her to Italy in 1814. One of her majesty's couriers was discharged at Florence, when either witness applied to the marquis Ghisiliari, or the marquis himself offered to provide a successor: the person recommended by the marquis was Bergami; he spoke very highly of him in the presence of the queen; he said that Bergami's family had fallen into distress from the French revolution; and that, as for the man himself, he would answer for his being perfectly honourable, honest, and trust-worthy; adding, that he was above the office upon which he was about to enter, and expressing a hope that if he behaved well in the family, as he had no doubt he would, he might be gradually advanced. Remembers once seeing the marquis take leave of Bergami. Bergami was about to mount his horse; the marquis being in his uniform as chamberlain of the emperor of Austria, and bearing his key of Chamberlain, took Bergami round the neck in the street, and kissed him twice before all the people. This struck witness and his English companions as remarkable; it is, however, the common custom of the country between equals, but, perhaps, not otherwise. By the common custom, witness means the custom of gentlemen. The house which the queen first occupied at Naples, was not large enough for her suite. The night after her arrival, she remained with the king and queen of Naples at a concert until between half past eleven and twelve o'clock; she was exceedingly tired, and annoyed with the length of the concert, which was very long and tedious. The following evening her majesty went to the opera, at the theatre San Carlos, in state. She sat with the king and queen of Naples in the state-box, which was splendidly illuminated for the occasion. The performance was "Medea," and the ballet, which witness also remembers, was very long; the length of time which her majesty remained, he remembers very well, because he was very lame, and had to stand behind the queen the whole night; it must have been twelve, or, perhaps, half-past twelve, before her majesty retired. She returned in her own carriage, in the usual manner of going and returning in state, attended by witness, and the other proper officers of her suite. Remembers the garden of the queen's house at Naples; saw workmen employed nailing up the fruit-trees to the

walls. Remembers the masked-ball given by the queen to king Joachim. Remembers the ceremony of crowning the bust of the king. The company had been taught to expect that something would be seen at the opening of a certain door; after a long time the door did open, and there appeared two Neapolitan ladies, the duchess of Civitela and the countess of Derri, and (as witness thinks), the duke of Cassarano with a trumpet. The queen came down with a wreath of olive or ivy (witness thinks olive), and placed it on the head of king Joachim's bust. The scene was almost momentary; the door opened so [witness marked about ten seconds of time], and closed again. The dress of her majesty was one which is best exemplified by the Caryatis in the Townley collection in the British Museum, or by Mr. Hope's Minerva; as to its indecency or decency, a judgment may be formed from these figures, which are very much draped, or, in fact, completely covered. The Italian ladies, who took a part in this ceremonial, were, as witness thinks, similarly dressed; but the performance was so rapid, in fact, like a flash of lightning, that he could not pretend to have observed them with accuracy. Witness remained at Naples after the queen left it, in consequence of his sufferings from the gout. After her majesty's return from Palestine, he met her again on the road, and proceeded with her to Rome; while her majesty continued in that city, he remained in attendance upon her as chamberlain. During her abode at Rome, the queen was visited by several persons of distinction, many of whom witness himself, in the course of his duty, presented. The French minister, count de Blacas, the Portuguese minister, and others. They announced themselves as ministers of the house of Bourbon. The following year witness was for about three months in attendance upon the queen, while she resided at Rufinelli, Frascati, and the Villa Brandi. Left the queen because she was going to the North; she had an idea of going to Como, but that intention was laid aside. Was in attendance upon the queen for a few days when she last passed through Rome. Mr. Dodwell, as witness thinks, applied for passports for the queen. Witness saw the passport (the order for post-horses, which he considers as in spirit a copy of the passport); it was left at the first stage. Saw nothing whatever indecorous in the conduct of the queen towards Bergami, and the conduct of the latter towards her majesty, was highly respectful and becoming; to witness he was rather too respectful, requiring to be pressed to sit down. Had three months' opportunity at the Villa Brandi to observe the manners of the countess Oldi; they were certainly not those of a low and vulgar woman. She is a very decent, rather good looking, modest lady. Has once, or perhaps oftener, dined in company with baron Ompteda at the queen's table. Has lived, during a considerable time, in Italy; in that country, it is not at all uncommon for men servants to go into the bed-chambers of their mistresses while the ladies are in bed. Has been in the east, and witnessed the Moorish dance frequently; the dance is performed in Spain and Portugal. Most people have seen the Spanish Bolero at the theatres; it is something like that; in one part of the exhibition, the per-

formers run up together, sometimes in an attitude of defiance sometimes in an amorous attitude; the same dance prevails over the south of Europe, and every body sees it without making any remarks upon it. Ladies and gentlemen may see it from Madrid to China; and it may be seen both at Rome and Naples. All the English Nobility at Naples visited the court of king Joachim. The marquis of Sligo, the marquis of Conyngham, the marchioness of Conyngham, lord and lady Oxford, lord and lady Holland, lord and lady Llandaff, lady Eliz. Forbes, and many others, whom witness does not remember.

W. CARRINGTON, sworn.

Is valet to Sir W. Gell; has been in that situation nine years; it was his first service; had previously been a midshipman; attended Sir W. Gell to Naples at the end of 1814; lived there in the queen's house; Bergami served as courier; there was no jealousy at his coming into her service; remembers the first night of the queen's coming to Naples; the first night Bergami slept in a small room over the steward's room (M. Sicard); Bergami slept the second night in another room; he changed because he could not stand upright in the first room; three rooms, occupied by Dr. Holland, Hieronymus, and William Austin, and a passage interposed between the Queen and Bergami; knows Majoochi; saw him at Rufinelli; heard him speak of baron Ompteda.

JOHN WHITCOMB, sworn.

Witness is valet to Dr. Holland; remembers the situation of the queen's and Bergami's rooms at Naples. Witness described the situation in the same terms as the witness Carrington. This witness then underwent a long and exceedingly pressing examination by the solicitor-general, in the course of which he admitted that there was on the garden-side another communication between the queen's room and Bergami's, through a small unoccupied cabinet or passage.

By Lord Erskine.—Witness slept in his own bed the whole of every night; never left his bed after he had retired to it, which was usually about twelve or one o'clock.

By the Earl of Lauderdale.—Was at Pesaro with Mr. Craven about a year ago. Bergami and Mr. Austin came from the queen to invite Mr. Craven. Bergami hastily pressed witness's hand, as an old acquaintance, going up stairs.

By Lord Hood.—Was frequently in Demont's bed-room, after he went to lodge out of the queen's house at Naples. Does not remember that any person but Annette was present upon those occasions.

The judges unanimously decided, that the evidence of Carrington respecting a conversation with Majooch could not be received, until that witness had been specifically cross-examined, stating the time and place of the alleged conversation, and the party with whom it was supposed to have been held.

THEODORO MAJOOCHI was accordingly called for a fourth cross-examination, and sworn.

Denied any remembrance of having seen Carrington at Rufinelli. Recollected Sir W. Gell's English servant at Rome; never told that servant that baron Ompteda had employed some one to get the keys of the princess at Como, in order to have false ones made from them; never said that the person so employed by baron Ompteda had confessed the affair to the police, and been discharged in consequence; never said that if the princess had not ordered him to take no notice of it, he (witness) would have killed Ompteda like a dog; never spoke of the villainy and ingratitude of Ompteda acting so, after having so long eat and drank at the queen's house, nor complained that he (Ompteda) had brought suspicion on the servants; never spoke of Ompteda by name to Sir W. Gell's English servant.

[Mr. Brougham wished to ask the witness as to general declarations, but was not permitted.]

WILLIAM CARRINGTON, recalled.

Majoochi told witness that baron Ompteda had been on a visit to the queen; that he had employed the postillion and the chambermaid to procure her majesty's keys, in order to have false ones made; that a person had confessed his share in this transaction, and had been discharged in consequence; and added, that he (Majoochi) would, if the queen had allowed him, have killed Ompteda like a dog. He taxed Ompteda with ingratitude for having made such an attempt, and complained that he had caused the servants of the house to be suspected. Majoochi frequently mentioned the name of Ompteda. Remembers the queen frequently visiting Sir W. Gell, when indisposed, particularly at Strasburg, when Sir William lay on a sofa; at Brunswick when he was in bed; and at Naples when he lay on a bed on the floor.

Cross-examined.

This conversation with Majoochi occurred at Rufinelli in the court-yard; Majoochi was there preparing the queen's carriage; witness walked there accidentally; it was in the month of July, 1817 or 1818, when Sir William Gell waited upon the queen after her voyage to Palestine; Majoochi commenced the conversation; the stable people, and several other servants, Louis Bergami among the rest, were in the yard at the time. Majoochi had before spoken to the witness upon the same subject (but not so fully) in the servants' hall, at the livery servants' table; there were eight or ten footmen, and several other servants of the household; does not exactly remember their names at present; cannot recollect any particular name at the moment, but that of Francesco, a Genoese. This was the second time of Sir W. Gell seeing the queen at Rome; there was about a year between. Witness cannot say with certainty, whether this second visit occurred in 1817 or 1818.

JOHN JACOB SICARD, sworn.

Entered the queen's service in 1800; is a native of Anspach,

but a naturalized Englishman; was placed in her majesty's service as cook by the present king's orders. In the October of 1800, was promoted to the office of maitre d'hôtel, and served in that capacity until her majesty went abroad, in 1814, when he went with her to Italy. At Milan, the queen wanted a courier, and witness received orders from Sir W. Gell to hire one, who, he (Sir W.) said, would be recommended by the marquis Ghisiliari; hired Bergami in consequence of this order, and had no communication whatever with the queen upon the subject. On the night of the queen's arrival at Naples, the suite were extremely ill accommodated. The following day more convenient arrangements were made; for a night or two Bergami slept in an upper room (as witness recollects) over the room of lady Elizabeth Forbes. He was then removed to a small cabinet, by the appointment of witness, who had no communication whatever upon the subject with the queen. Witness's motive for placing Bergami in the cabinet was this—there was a glass door that went into the garden, which witness thought unsafe, and therefore he thought it right that a male servant should sleep there; spoke to Hieronymus of the arrangement before he carried it into effect. The queen's manner of conversing with all her servants, without any distinction, was always uncommonly kind, almost to a fault. Witness has had frequent occasions to walk with her majesty in the pleasure grounds at Blackheath. Her majesty has taken witness's arm on steps or a rising ground, and in conversation has laid her hand upon his arm by way of enforcing such questions as—You understand what I mean? Do you not agree with me? Has walked with her half an hour at a time, sometimes more. Witness, in concert with a Mr. Pianelli, had the management of the masked ball given to the court of Naples; Witness and Hieronymus were dressed as Turks; to the best of his recollection the queen wore two dresses, one a Turkish dress, the other the dress of a Neapolitan peasant. Is no longer in the queen's service; retired from her service within this last three or four months, on a pension during her majesty's pleasure.

Cross-examined.

Witness's pension is at present 400l. per annum. The queen left him at Naples in 1815. He went with the servants and baggage by sea to Genoa, and, without waiting for the queen, embarked at Genoa for England. Of course his only opportunity of observing the queen's conduct towards Bergami was during her residence at Naples. The night before the queen's arrival at Naples, she slept in a country-house of Murat's; cannot say whether William Austin slept that night in her room. At Naples there was a public passage leading from the queen's room to Bergami's; and, besides that, there was beyond this passage, and parallel to it, a small passage leading the whole length; does not recollect that there was a small cabinet at the end of this passage, or that the passage was capable of being enclosed so as to form a cabinet. There was a door opening from Bergami's room into that passage; believes there was also another door opening from that passage into the large passage. [At witness's request a topographical

plan of the house was exhibited to him.] The plan, witness said, was correct, except that there was another door in the passage not set down. There was a communication along this [the smaller] passage to the room of the queen, through a room which witness pointed out. Nobody slept in this room. The rooms in which Hieronymus, Dr. Holland, and Wm. Austin slept, all communicated with the other—the public passage. Nobody slept in any room communicating with the smaller passage, but the queen, Bergami, and (as witness understood), when Bergami was indisposed, a servant occupied the room pointed out by him. The upper servants breakfasted in the steward's room during the residence at Naples; that is to say, Bergami, witness, Hieronymus, Demont, and Barber, the servant of lady Elizabeth Forbes. Bergami breakfasted mostly in this room; but he preferred a meat breakfast, and occasionally used to go into the coffee-room. The Italians generally do not like a tea breakfast; they take their first meal later, and usually eat meat at it. Bergami rode as courier to Naples; after the queen's arrival there, he acted as page in the drawing-room, bringing up breakfast, &c. When witness speaks of the queen, touching or taking his arm, he means that she did so in conversation, or for necessary purposes, and said, "God forbid he should insinuate that there was any thing further than that." Witness' first salary from the queen was 300l. a year; about three or four years ago, on the queen's appointing him her "homme d'affaires," it was raised to 400l. a year.

MONDAY, October 9.

HENRY HOLLAND, M. D. sworn.

Went to Naples from England with the queen as her family physician. Remained with her during her whole residence at Naples. At that city she received, with very few exceptions, all the English and Neapolitan nobility. Went from Naples with the queen to Genoa. The house occupied there by her majesty, was in a very thickly inhabited suburb, at a distance of about half a mile from the city. Bergami never dined at the queen's table at Genoa. As far as came within witness's observation, the queen's conduct towards Bergami was that of a mistress to a servant; his conduct to her was perfectly unpresuming and respectful. It was first intended that witness should remain in the queen's service a year and a half or two years. He left her majesty at Venice, but at his own suggestion, and with an understanding that he was to return; left some articles of property in the queen's house under that expectation. The following was the manner of his departure: At Milan, the queen told him that he might, if he wished, have six weeks' leave of absence, to make a tour of Switzerland. In consequence witness suggested a wish to substitute a journey to England about his private affairs, and a short additional absence; to this the queen assented. The queen received all the principal nobility at Genoa. Lord and lady William Bentinck, lord Exmouth, lord Malpas, and generally all the superior officers who were attached to the army at Genoa.

All the time that witness continued with the Queen, Bergami

Queen's were relatively placed was it possible to see from the bed of one to that of the other. Has been sometimes called by the Queen to inform her of the state of the weather, and has of course attended her in her cabin, and a tent which she used as a cabin on the deck; Gargiulo was the captain of the vessel, but witness was considered the acting captain, and in that capacity gave (through Gargiulo) whatever orders were necessary.

Gargiulo was most assuredly not called upon to attend about the Queen's apartment, or person. Gargiulo's duty was to attend to his men, and take orders from witness. The steersman stood within three or four feet of the tent in which the Queen slept on the deck, during part of the voyage, and on the return from Jaffa witness slept over the helm, within less than five feet of the tent, and must have heard any conversation in the tent, if carried on at the elevation of voices usual between two persons; never heard any such conversation; was near enough to have heard any thing that passed in the tent; was in the habit of passing along the passage beside the tent at night; the light was removed from the tent at night, for the preservation of the ship. At Milo and Athens they had heard of pirates, and it was necessary to conceal or extinguish all the lights on board, in order to elude them; some of the pirate vessels they had seen; there was a communication by a ladder between the interior of the tent and the cabin below; the communication was always open at night; the Queen's bathing tub was too large to be placed in her Majesty's cabin; the Queen has sometimes called to witness, when he has had occasion to disturb her at night manœuvring the ship; and when he could not otherwise perfectly understand her Majesty, he has, of necessity, opened the tent; does not know where Bergami slept on the voyage from Jaffa; going out, the Queen's cabin was next to Countess Oldi's, with which it communicated by a door; it has also two sky-lights, opening to the deck; never saw the Queen sitting with any person upon a gun, or upon the lap of any person, or kissing any person, except perhaps the little Victorine; never saw the slightest impropriety or indecency in her Majesty's conduct towards Bergami, or any other person; saw Bergami take leave of the Queen at Terracina; he did it in the common form, kissing her hand, as had been occasionally done by all other persons; has been sixteen years in the royal navy; has received the orders of Fidelity and of Merit from the Neapolitan government, for his services in the capture of several privateers; he has obtained permission from the British government to wear one of these orders.

TUESDAY, OCT. 10.

JOSEPH ROBERT HOWNHAM, sworn.

Is a lieutenant in the royal navy, of the date of 1809; is settled with his family at Rouen, in France. In the month of April, 1815, joined the party of the Queen at Genoa; shortly after his arrival, there was a night alarm in the family, which awakened witness. Bergami came into his room with a candle, and, as he thinks, a sword in his hand; the witness then went down, and saw the Queen and the whole family assembled in the hall. Never breakfasted with the Queen at Genoa; saw her at breakfast there,

but never saw Bergami with her. In August, 1815, during the passage over Mount St. Gothard, Bergami first begun dining with the Queen; he did not dine regularly at her table until some time after that. The staircase in the Casa Boromea, upon the landing place adjacent to the Queen's room, was not a private staircase; it led up to witness's room, and several other apartments; Bergami's room at Tunis was not near that of the Queen; Bergami's was the only room up a flight of steps; there were several rooms between the Queen's apartment and that flight of steps; the Queen's room too was on the ground and Bergami's on an upper floor. The Queen did not sleep at Utica, but at a place called Sabella, on the night of the day on which she visited Utica.

On board the polacre, that part of the vessel occupied by Gargiulo and his crew was separated by a bulkhead from the part assigned for the Queen and her suite, so as to be quite distinct, Gargiulo had no business whatsoever in the part of the vessel occupied by the Queen and her attendants. There were two places prepared as water-closets for the women, one in the Queen's cabin, the other in the cabin of the Countess Oldi; never, during the whole time witness was on board, saw Gargiulo in the part of the polacre occupied by the Queen's suite. The Queen, at her landing, slept with her attendants upon the plain of Ephesus; she lay under the shed of a *Cafe Turque*, a miserable house; the shed was constructed of some rude materials, whether planks or boughs witness cannot say; it was open on each side; the Queen's suite slept all around her. The party dined in a church-yard next to the coffee-house, under the portico of an old mosque; witness is convinced they all dined together, his recollection of the fact is perfect—all the suite upon the ground, the Queen upon her travelling bed; cannot say whether any one sat with her, or where the Countess Oldi sat. The Queen remained about twelve or fourteen days at Constantinople; part of that time, five or six days, she resided at the palace of the British minister, Mr. Frere. From Jean d'Acre the Queen travelled to Jerusalem upon an ass, the usual mode of travelling in that country; the course of the journey was, to travel by night, and to rest during the day; before the time of rest the Queen used to be excessively fatigued. Witness has seen the Queen fall from her ass more than once towards morning.

On the outward voyage the tent was occasionally raised on deck, but on the return the weather was excessively hot, and nine head of cattle (horses and such like,) which had been taken on board at Jaffa, were noisy and troublesome below, and the tent was permanently fixed on deck; on the return from Rhodes to Syracuse, the witness having suggested to the princess that the tent obstructed the progress of the vessel, she expressed her willingness to sleep below. On the voyage outward the princess used to sit late upon deck with a light; but at Jaffa they heard reports of the presence of Tunisian pirates in the Archipelago, and witness felt it his duty to advise the Queen to discontinue the use of the light after night-fall, upon which advice she acted so far as to put out the light at nine or ten o'clock; they had in fact seen one

Tunisian vessel at Scio, and another at St. Jean d'Acre. There were four sofas on board; two were lashed together in the Queen's cabin, and two in the countess's cabin; one was afterwards removed from the countess's cabin to the tent, and the Queen slept upon it. There was a ladder from the tent to the dining-room.

WEDNESDAY, OCT. 11.

Lieutenant JOSEPH ROBERT HOWNAM's examination resumed.

The communication between the cabin and deck was, as witness believes, constantly open. Witness one night, supposing that the Queen had retired to rest, ran up and found the tent closed; the tent was single, and opened in the usual way from the outside, or inside, indifferently, the entrance in fact being formed, as usual, by two pieces of cloth hanging down, which, when closed, were only drawn together, it was within four, five, or six feet of the steersman; one half of the crew kept watch at night, and were in the frequent habit of passing and repassing by the tent. Believes that the Queen reposed upon the sofa under the tent; does not know who occupied the bed; does not know whether the Queen reposed alone, because he has not heard it; believes that the Queen never undressed during the journey from Jerusalem, because he never saw any bed-clothes upon her sofa; believes that she never undressed on the voyage homeward for the same reason. On the coast of Caramania, an accident occurred by the vessel's shipping a sea, and the Queen came hastily down, attended as witness thinks, by Mr. Flinn and Bergami; she was at that time completely dressed, and had had no time for preparation. The Queen's bath was a large tub made under witness's inspection; he is of opinion that it could not be introduced into the Queen's cabin.

Bergami once dressed himself with pillows on the voyage; it was in derision of the English Consul at Jaffa, who came on board in a long Greek robe, with a gold-laced cocked hat, and a gold headed cane, making altogether a very pompous figure. The first occasion upon which Mahomet's dance was called for, was as follows: This Arab being sick on board, the doctor wanted to give him some physic: he would not take it; the doctor abused him for his obstinacy, and afterwards Mahomet used to laugh at and ridicule the doctor by this dance. When the doctor appeared on deck, one or other of the crew used to call for the Arab, saying, Mahome, "*Mahomet dema-dema;*" there was nothing in the least improper or indecent in this dance, more than in the Spanish Bolero, or the Negro dance. Mahomet frequently danced the same dance ashore, and without the least variation from the dance on board. The persons who went ashore at Terracina to obtain pratique, were, as witness remembers, Bergami, Camera, and Teodoro Majoochi; they all kissed the Queen's hand as they departed from the vessel; most certainly Bergami did not kiss her face. The Barona was a small country-house; the balls given there were designed merely to amuse the household; the guests were generally the farmer's daughters; but the wife of the cheva-

lier Tamasia and his daughter, the wife of professor Mocatti, and the wife of the baron Cavaletti were there also; has seen the clergyman of the place frequently at the house, but cannot say as to his being at the balls. The Queen remained for the most part in an adjoining room, and came into the dancing room but occasionally; witness always took part in these danses; the Queen usually retired for the evening before those dances were concluded; witness never saw any thing either indecent or indecorous in the conduct of the parties there.

The stream called the Brescia, near the Villa d'Este, is rather a torrent than a river; it has usually little water in it, though witness has never seen it quite dry; but after rain it runs with amazing rapidity; should not think it a place that people would choose to bathe in. At Carlsruhe the Baron d'Ende, Grand Chamberlain, was specially appointed to attend upon the Queen; she usually dined and supped at court, or at the Margravine's (the Grand Duke's mother); while she remained in that city, there was company invited to meet her every day but the first. At Scharnitz (the barrier town between the Austrian Tyrol and Bavaria), the Queen was stopped, the passports being in the hands of some of her suite, who had not come up; the stoppage occured about mid-day; Bergami and Captain Vassali went back to Inspruck for the passports, and did not return until two o'clock on the following morning. The Queen arrived at Trieste about noon of the 15th of April; she went to the opera in the evening, and left Trieste at six o'clock in the evening of the following day; witness is quite positive upon this subject [he produced a letter;] the letter in his hand was written by him to the lady who afterwards became his wife, from Venice, and is dated the 18th of April; it refers to his having reached Venice on the preceding day; Venice is a good journey of twenty-four hours post from Trieste. Baron Ompteda was a constant visitor to the Queen at Genoa; he dined with her Majesty; Teodoro Majoochi waited at table; at Milan and Como he also visited, dining at the latter place; at the Villa Villani he used to stay over night, sleeping at the Queen's house. Majoochi was all this time in her Majesty's service; at the last named place there was a room in the Queen's house called Ompteda's room. Witness himself never conversed with Majoochi respecting Ompteda, except upon one occasion, shortly after the family had arrived at Rome from Como.

In the course of the different journeys it was very common at houses of entertainment for the Queen to be shown into rooms furnished with beds. In consequence of a representation from the Queen witness called Ompteda out. At Rome witness told the servants of the house not to molest him; is most positive that Majoochi was one of them. The Queen frequently visited any of her servants who was indisposed; particularly remembers that she visited Camera at Jerusalem, when it was supposed, from the severity of his indisposition, that he was ill of the plague. Every where through the whole course of her travels, except at Vienna, where Lord Stewart was minister, the Queen was received at court, and visited by persons of the first distinction; and where-

ever so received her conduct was all majesty and grace. Is most positive that the Queen travelled from Rome to Sinigaglia in an English landaulet; Carlo Forti and Sacchi were the Queen's couriers at the time; cannot say which acted upon that journey; has an indistinct recollection of Sacchi's being taken ill; has formed part of the Queen's suite since April, 1815; lived constantly with her from April, 1815 to April, 1818; during that time never saw any thing in her conduct towards Bergami, or in his conduct towards her, that was improper, indecent, or degrading to her station as Princess of Wales. Witness's salary from the Queen was 200l. per annum, which she was pleased to continue after he had ceased from active attendance upon her, and up to the present time.

Knew that Faustina was in the house at Genoa, but did not think that she belonged to the household. When witness spoke of the Queen's joining in games with the servants at the Villa d'Este, he meant the upper servants only; the page Hieronymus, the chambermaids, and any friends that might happen to be in the house. After the doctor was taken on board at Tunis, Schiavini's and William Austin's births were changed, as well as Bergami's. Bergami's bed was removed to a place within a screen in the dining cabin. When the Queen came down, after the accident on the coast of Caramania, witness knows that Bergami certainly did not go into witness's cabin along with her Majesty, first, because there was not room, and secondly, because he must have seen him if he did, as he had cut out the whole front of the cabin to the height of three feet; he believes that Bergami lay under the tent on the deck; because upon the occasion of the accident, he told witness that the sea came in under the tent, which he could not have known if he had not slept under it. Bergami was dressed.

The crew of the polacre was composed of Neapolitan and Sicilians, of course wholly unknown to the Queen and her attendants. The Queen has frequently walked arm in arm with witness; with Schiavini, and gentlemen who came to visit her. The knights of the order of St. Caroline were Bergami, (grand-master,) Flinn, Austin, witness, Hieronymus, and he thinks Camera; thinks doctor Mocatti was also one, in consequence of his going so far as Naples with the Queen, and his willingness to accompany her to Palestine, but for the delay of his passports from the Austrian government; does not know whether the doctor was made an actual or an honorary knight, but it was in consideration of his being appointed to accompany her Majesty, and not being able from an obstruction from the government under which he lived. There was an English sailor on board the polacre as far as Athens; he went home from that port; witness was ordered to attend the Admiralty to say whether he knew any thing of this man, (his name was James;) but except that witness does not remember that he was ever examined by any person upon the subject of his evidence.

EXAMINED BY LORDS.

By the Earl of Roseberry.—Only one occasion, on which he saw the Queen at breakfast at Genoa, is impressed upon witness's memory; Bergami was in the room, but he appeared to be wait-

ing; does not recollect that there was any other servant in the room. The tent under which the Queen reposed during the land journey in Palestine, was a double one, in the gallery which surrounded the inner tent, there were mattresses, from which witness concludes that some persons lay there; but has no knowledge upon the subject; the tent on board the polacre could be easily opened from the deck, at night as witness thinks; does not know whether it was fastened in the inside at night. On any of the nights on which witness went by mistake up to the tent, he did not raise his head above the combings of the hatchway—[but little above the level of the floor of the deck;] the lights were out; of course witness could not see how the tent was closed; knows only by report that other persons besides the Queen and Bergami lay under the tent; has a faint recollection that on the journey from Rome to Sinigaglia, one of the couriers went before the Queen, would say, the circumstance being recalled to him, that he rather thought it was Sacchini, but has no distinct remembrance upon the subject.

By Earl Grey. The attendant whom witness meant when he said that he thought it necessary for the queen to have some attendant constantly with her in the tent, was a male attendant. The circumstances under which Bergami slept in the tent with the queen, did not convey to witness's mind any suspicion of an improper connexion.

By the Earl of Liverpool. Frequently saw Lieutenant Flinn's cot slung on deck, but does not know how many nights he slept there. Witness has acted as the queen's private secretary. Does not know whether Bergami was ever in possession of the Barona, but believes it was his; thinks the name was changed to the "Villa Bergami."

By the Marquis of Lansdowne. Thinks the Countess Oldi had a tent to herself on the land journey to Jerusalem; does not know where Victorine slept. When the queen took Bergami's arm on the deck of the polacre, it was for the purpose of leaning; she possibly might have taken witness's arm in the same manner on board the polacre; she frequently did it at other times. Does not think that he ever saw the part of harlequin sustained in Italy, in the manner in which it is played in England.

By the Earl of Limerick. Does not know whether there was any reason to think that any third person, male or female, ever lay under the tent on board the polacre. Will swear that he never saw Bergami kiss the queen. Never himself represented the necessity of a person sleeping under the tent; but when it was represented to him, he could not but see that it was necessary for some person to be near her majesty. A woman alone upon a ship's deck, he should think perfectly justified in having some person near her. The suite was not so numerous as to afford one person always on the watch outside of the tent. There could have been only Flinn and witness, for Schiavini had never been at sea before. A hammock might have been slung for any other person, as it had been for Flinn; but Flinn bringing his hammock on deck, had no view to any such purpose; it was merely for the enjoyment of the cool air. The English sailor (James) was not

on board. A female might have attended the queen instead of, or in conjunction with her male attendant; or there were fifty other ways, all might have slept round the tent as well as one. The officer of the watch (who was the mate of the vessel) never, as witness recollects, received any order to watch the tent especially. Witness never entertained any suspicion of the crew, or any part of them. When witness saw the thing, he looked upon it as not at all improper that Bergami should sleep under the tent, the queen being alone on deck. As from the manner that the hatchway was open, and all the doors below, there was no mystery in it.—*Question.* "As you are a married man, would you have any objection, or conceive it improper that Mrs. Hownam should so sleep in a tent in the dark with any male person?"—*Answer.* "I trust that every man looks upon his own wife without making any comparison or exception; I never made the comparison." Cannot form an opinion upon the subject; had seen so many situations in which the queen had been placed in the course of her travels, that he did not look upon this as improper. At Ephesus, for example, she lay under a sorry shed, in the midst of horses, mules, Jews, Turks, &c. Does not remember who it was that played columbine to Louis Bergami's harlequin; if he recollected that it was the queen, he would state it. In the character of the Automaton, the queen stood in the box; did not consider these amusements as in the least derogatory to the queen's rank, knowing the pleasure she takes in that sort of entertainment.

THURSDAY, OCT. 12.

EXAMINATION BY LORDS.

Lieutenant HOWNAM examined.

By Lord De Dunstanville. The helm was about five feet from the tent; thinks the queen was sufficiently protected when lieut. Flinn slept on deck; a sea breaking and twenty things might have rendered assistance necessary; when witness went up the ladder at night, he had no reason to believe that the tent was closed; it was then as dark as it usually is at ten o'clock in that climate.

By Lord Grosvenor. Thinks the queen entertained a fear for her personal safety after the attack upon her residence at Genoa; she used to say that she thought it necessary to have somebody always near her.

By Lord Combermere. Would not a sea-faring man have been most proper to have assisted the queen in the event of the rolling of the ship?—I should think he would, if that had been the only purpose.

By the Marquis of Downshire. The quarrel between witness and Baron Ompteda arose from the confession of a servant; witness saw the servant upon his knees begging pardon for his crime. The person before whom the servant kneeled was the Princess of Wales; the servant's name was Maurice Credi.

Lord Lauderdale suggested that the last two answers should be struck out of the minutes. The proposition was opposed by Lords Grey and Holland. The answers were permitted to stand.

Examination resumed.

Only knows by hearsay where Maurice Credi now resides; has heard that he is in England; has not heard with whom he lives; remembers orders given to Majoochi and the other servants not to offer any molestation to Ompteda; does not remember Majoochi to have mentioned Ompteda's name. Witness is not positive that he has not seen the queen and Bergami walking together while the latter was a courier; does not recollect to have so seen them; does not think there was any mystery in the tent's being closed; has no reason to believe that Bergami was not in the tent when he found it closed; never thought about it; never thought whether it was necessary for a male attendant to sleep in the tent; the queen thought so, and witness did not think otherwise; the queen did not make any communication of her fears after the general one at Genoa; witness was not aware of any immediate danger on board the polacre; witness did not know of any immediate personal danger; if witness thought there was any, he should not have remained below.

By Lord Grantham. Witness dined with the queen at Carlsruhe, both at the Grand Duke's and the Margravine's; the dinner-hour was late; does not recollect that the queen returned to her own lodging between dinner and supper; cannot swear that she did not.

By Lord Darlington. Never saw Bergami take leave of the queen in a manner different from the other servants; thinks that she never took off her clothes when going to rest on the voyage from Jaffa; that is witness's firm belief; thinks Bergami never took off his clothes neither; never saw any bed-clothes on the second bed; thinks the queen always changed her clothes below; never saw her change her clothes any where; saw Mahomet perform his dance before the queen in the court-yard, does not know whether Majoochi was present, but many of the servants were present; never conceived that there was any thing improper or indecent in Mahomet's dance; once saw Mahomet's dance from the window of the queen's room at the Villa d'Este. The queen and witness heard a noise in the court-yard; and, looking out, they saw Mahomet exhibiting his dance before several persons in the court-yard; there were many of the servants looking on, but witness cannot say Majoochi was among them.

By Lord Ellenborough. Last saw Captain Briggs about two months ago; Captain Briggs declined having any conversation upon the subject of the present inquiry; they shook hands, that was all; witness went to Captain Briggs to ask whether he was likely to be a witness against the queen; Captain Briggs replied, that he would give nothing but a fair and honourable testimony; has seen the queen fall asleep in the day-time on the voyage from Jaffa, and has himself closed the tent; does not remember to have seen it closed in the day-time upon any other occasion; does not remember any other person having been shut up in the day-time with the queen; never went into the dining-room after he knew that the tent was closed; cannot make a positive assertion, but has a moral conviction, that the passage between the tent and

dining-room was open every night; does not know who slept in the dining-room on the homeward voyage, but saw a bed rolled up in it in the day-time. Majoochi should have slept below in the hold with the footmen, but witness cannot say where he slept; Maurice Credi continued with the queen from the time when witness saw him supplicating for forgiveness, which was in the beginning of November, to the end of March, or beginning of April following, when the queen dismissed him at Nuremberg, (she was on her way to Vienna;) she gave him in fact as a courier to her aunt, the Margravine of Bayreuth; cannot say whether the tent was ever closed in the day-time by the order of Count Schiavini.

By Earl Grey. Never saw the tent so closed in the day-time, that any part of the crew passing might not have seen who were within it.

By the Earl of Winchelsea. Has no knowledge that the hatches were not within the tent.

By Lord Auckland. Wrote his challenge to Ompteda himself, without dictation; it was written in English.

By the Earl of Mansfield. All the suite were in the habit of using the passage from the dining-room to the tent in the day-time.

By Lord Clifden. The queen was much fatigued by her journey and voyage; she told witness that her legs were greatly swelled with remaining upwards of forty days on deck.

By the Earl of Lauderdale. Has read the evidence of Majoochi and Demont, and part of Sacchi's evidence; can produce his diploma as a Knight of St. Caroline. Upon the subject of her majesty's stay at Trieste, the conviction of his mind was, that it did not exceed twenty-four hours before he found the letter which he had produced; that letter of course fully confirmed that conviction. When Bergami first dined with the queen (at Bellinzona) witness thinks that he was standing in the room, and the queen ordered him to sit down; does not recollect where at table Bergami sat upon that occasion, or whether the queen addressed any conversation to him; does not recollect that Bergami ever waited at table after leaving Genoa; has seen the mother, sisters, and brothers, of Bergami at table; but does not remember to have seen his cousins, and never saw his wife at all.—*Question.* "Recollecting that you have dined at the queen's table with Bergami, whom you have seen serve at her majesty's table, with Bergami's sister, and with his mother; and when you recollect farther as to your belief, that Bergami was under the tent with the queen at night, between Jaffa and Capo d'Anza, do you persevere in swearing upon your oath, that you have seen the queen do nothing improper, or unbecoming her station?"—*Answer.* "I speak for myself; I had no greater claim to sit at her majesty's table than either of these people; I have seen people sitting at the queen's table while their fathers were waiting at the same table; and I never saw any thing in the conduct of the queen, knowing the way in which she treats every body, to authorize such (an ill) opinion." Witness never waited at the queen's table;

does not believe that any of his (witness's) relations ever waited at the queen's table; recollects a person whom he understood to be Bergami's uncle, dining at the queen's table. Doctor Mocatti is the professor of physic in the college of Como; he is the practising physician of the place. M. Caveletti had been an equerry to the viceroy of Italy, and was in the suite of Napoleon Buonaparte, at the battle of Waterloo; does not remember any other but Mocatti, Cavaletti, and Tamasia, at the dances.—*Question.* "Do you conceive a courier, and a lieutenant in his majesty's navy, equally entitled to sit down at the queen's table?"—*Answer.* "Any body that would sit down at her majesty's table by her command, would I believe authorize a person of higher rank than a lieutenant of the navy to sit with him."

By the Duke of Clarence. Believes that his (witness's) father had been in the service of Lady Charlotte Finch, in the late king's household. On the voyage to and from Jaffa, there was no person in the queen's suite familiar with the sea, but witness, Flinn, and the English sailor, who was discharged at the end of two months, at Athens. Though witness was aware of the queen's sleeping under the tent, from the beginning of the practice, and that none of her majesty's suite but himself and Flinn were used to the sea, he did not offer to afford his assistance in sleeping under the tent with her. The English sailor was discharged in consequence of a quarrel, and fighting with the cook.

By Earl Grosvenor. Thinks that the Duke and Duchess of Torlonia have dined with the queen; was not aware, until this moment, that Carlo Forti is the duchess's nephew; Carlo Forti never waited at table; Bergami's dress as a courier was very handsome; it was a bottle green and gold, turned up with scarlet, it was not like a hussar's dress; it was richly embroidered with Brandenburghs.

By Lord Balcarras. When the vessel was in motion, the female attendants would be as helpless as the queen herself.

SANTINO GUGGIARI sworn.

Was factor at the Villa d'Este. There were statues of Adam and Eve in the grotto at the Villa d'Este; they stood in the first or octagon room of the grotto; (there were two octagons;) there was no cornice made in the octagon-room in which the statues stood, there was a cornice made in the other octangular-room. It was impossible that workmen employed in the octangular-room where the cornice was made, could see any thing passing in the room where the statues stood. [Witness delivered in a plan, from which the impossibility of seeing from one octangular room to the other was sufficiently manifest; to the accuracy of this plan as a general outline, the witness made oath.]

GIUSEPPE GIAROLINI sworn.

Is a master mason by trade, employed Raggazoni as a daily workman at the Villa d'Este. [This witness confirmed minutely all that the last witness had sworn, with respect to the topography of the grotto, and the impossibility of seeing into the room in which Adam and Eve were, from that in which the cornica was

made;] Was head builder at the Villa d'Este before the queen set out upon the long voyage; was paid regularly by the week; setting out, she contracted with witness for 75,000 livres, to be paid for certain works, in her absence; however under the orders of Ratti the architect, he executed works beyond his contract, which enlarged his claim to 145,000 livres. Witness had a conversation with Restelli upon the means of procuring payment for this debt. [This line of examination was objected to by the solicitor general, but it was decided by the house, that it was properly directed against the credit of Restelli, that witness having denied, that he ever made any offer of money to induce any one to become a witness in this case.] Restelli told witness, if his account was not liquidated, to send it to him, and that he would see him paid through certain Englishmen, who were at Milan; he told him, if he had any thing to say against the queen (for he had been a long time in her service) to tell him (Restelli,) and he would endeavour to see him paid.—*Question.* "At that same time, or at any other, had you any further conversation with Restelli, about what Restelli was doing as to witnesses?" [This question was objected to by the solicitor general, and defended by the queen's counsel, on the double ground, that it went to contradict the testimony of Restelli, and to elicit proof of acts of his, which being traced, through his admitted agency, to the Milan Commission, would seriously affect the general merits of the prosecution, instituted, as it would seem, by those commissioners. The solicitor general denied that Restelli could be connected as an agent with the Milan Commission, or that he had in any part of his examination disclaimed all interference with the witnesses.

After a debate of some length, in which Lord Erskine argued, that agency had been abundantly proved on the part of Restelli, Lord Liverpool and the Lord Chancellor expressed an anxious wish, that every light should be thrown upon the conduct of the Milan Commissioners, and Lord Carnarvon contended, with great warmth, that "the house ought not to proceed one step further with a prosecution odious in principle, and pregnant with danger to the country; if the bribery and corrupt agency imputed to Restelli were proved." It was decided, that the question might be put.] The first time witness conversed with Restelli on this subject was coming from the states of the Pope; another day was coming from the Custom-house of Porta Tosa; Restelli, upon the latter occasion, told witness, "that he had gone into his (witness's) country about witnesses; that he went to ask for one witness, and that witness asked for another, that other for another, and so on; then they drank together, and he asked them whether they were willing to depose against the queen, and whether they would go to Milan with him; then they breakfasted at the Tredate, going from Cazzone; from Tredate they went to Masoc, where they dined; when they arrived at Milan, they went all together to the inn at St. Clement's; Restelli told the inn-keeper to give them every thing they wanted, for their victuals; then afterwards, one after another, they went before Vimercati, and the English that were there." Restelli also told witness that he kept those

persons seven days at the inn, and paid them 40 francs each; but to Ragazzoni and Brusa he paid 50 francs each; to the other, viz. Paolo Ragazzoni, Bai Rossi, and Franco Bai, he gave 40 francs each; and Ambrogio Bianchini, of Leghorn, had also received money. Restelli said, that he paid the innkeeper, and the people had this money clear.

Mr. Brougham desired to know whether Restelli was forthcoming; he wished to call him as a witness, but he was not in his corporal possession.

The Attorney General submitted, that if Mr. Brougham wished to call Restelli as a witness he must take the usual steps.

The counsel in support of the bill were asked, whether Restelli was in this country, and the attorney general replied, that he had been sent as a courier to Milan.

Mr. Brougham. "Then he has been sent as a courier or agent to the Milan Commission; I therefore shall not call him."

The Attorney General said, that Restelli had been sent to Milan without his knowledge, with dispatches, under the idea that he would not be again wanted; as soon, however, as that circumstance had come to his knowledge, supposing that Restelli might be wanted, he had sent a courier to desire his immediate return. There existed in Milan a great anxiety for the safety of these witnesses brought from that country, and in order to satisfy their friends, it had been deemed advisable to send Restelli to assure them that they were safe and unhurt.

This caused much discussion in the house, which ended by bringing up John Allan Powell, who it appears sent him out of the country; and who proved that reports having been propagated at Milan that the witnesses for the prosecution had suffered great personal injury, and their families in consequence being extremely anxious about their safety, he thought it but an act of humanity to send Restelli, who had brought the witnesses over, to assure them of their safety, but under instructions that he should return by the 3d of October, he, however, has heard that a violent illness had prevented his doing so. He should not have sent him, but understood the counsel did not intend further to cross-examine any of the witnesses who had been called in support of the bill.

FILIPPO POMI, sworn.

Usually resides at the Barona; knows Giuseppe Restelli and Louisa Demont; in the course of the last year was visited by both these persons; Restelli came first, and Demont in half an hour after; Restelli was making a drawing of the house: he asked witness whether he had received any present from the persons who had come; and on witness's replying in the negative, he gave him a present of 40 francs. On a subsequent morning, Restelli called on witness, and they went together to the inn; Restelli said, "Pomi, if you have any thing to depose against her royal highness, now is your time; you will become a great man, and shall receive a great present." Witness asked Restelli whether Demont was still in the queen's service; he replied, that she was, and that she had made a good day's work. Witness then said that he had been night and day a long time in the house, and never saw any thing that enabled him to speak ill of that lady: then Restelli said, "You know nothing, for that house was a very bad house, bad women, and so;" and witness answered that this was a real falsehood, for he had been in the house day and night, and saw nothing of this: the discourse ended here.

The Chevalier CARLO VESSALI, sworn.

Is a native of Milan; understands a little English; is equerry to the queen of England; has not been in any profession; has been a military man; was a captain in the lately disbanded royal guards; became acquainted with her majesty at the Villa of general Pino; saw her also at Milan at general Pino's; dined with her at the general's house, this was between 1816 and 1817: knows Bergami; he was at general Pino's at the time he alludes to; her royal highness invited witness to accompany her from Milan to Turin; went with her also on her German journey; acted as her majesty's private secretary; remained with her until she went to Caprili; thinks this was in 1818, but has no distinct recollection; subsequently entered her majesty's service as equerry, and came with her as far as St. Omer's; Bergami was all the time in the queen's service as chamberlain; he had the direction of the house; it was his duty to hire the servants and dismiss them; has seen the queen and Bergami walking together very frequently; has seen them walking alone out of the garden into the portico; has seen them together in the carriage with others; has seen them alone, but when he himself was at a little distance; at Pesaro, Bergami was received by the neighbouring families; at Munich, her Majesty dined, with her suite, with the king of Bavaria; Bergami dined at the table with the king. The king treated him with the greatest respect, and gave him a gold snuff-box surrounded with brilliants, and the king's name, M. J. the initials of Maximilian Joseph; was at the Barona several times when the balls were given, he was there six weeks, it was at the time of the carnival; for the amusement of the suite and the neighbouring inhabitants; there used to be about twenty people, including the suite and all; the tenants' family used to come, the prefect Tamasia, the baron Cavaletti, and the curate of the Barona, used to be there; never saw any thing indecent at the balls

at the Barona; was with the queen at Carlsruhe; she dined on the second day with the grand duke; Bergami went home indisposed accompanied by his sister; the princess remained with the grand duchess all the evening; witness remained also; they amused themselves the whole evening singing. The third evening they went to the theatre, and supped with the grand duke; they then went to Baden; they spent the evening at a musical society.

This witness also proved that the queen was but one day and a half at Trieste, which negatived the testimony of the waiter Cuchi. He explained the scene at Scharnitz, described by Demont, by stating that the whole suite were up all night preparing for a journey: and he fully corroborated the evidence of Carlo Forti respecting the journey to Sinigaglia.

EXAMINED BY LORDS.

By the Earl of Liverpool.—Does not know that any one lay in the queen's room at Scharnitz; as far as he knows, nobody slept there.

By Lord Ellenborough.—Upon the journey from Milan, which ended at Sinigaglia, Carlo Forti did not set out as a courier, but travelled at first as a private individual; he did not go as a courier from Milan to Loretto.

By Earl Grey.—At Loretto, he entered provisionally into the queen's service, and he was sent to Rome with a dispatch.

By Lord Calthorpe.—Bergami was with witness when he went into the queen's room, after returning from Inspruck to Scharnitz; saw one bed in the queen's room, there was no mattress; believes the queen was at the window, when witness once saw Mahomet's dance at the Villa d'Este; never saw any lady whatever, consequently never saw any lady of rank or distinction, except the queen, looking at Mahomet's dance.

By Mr. Brougham, through their Lordships.—Mahomet's dance was without doubt very ridiculous, but there was nothing at all indecent in it. On the second night of her visit to Carlsrhue, witness accompanied the queen from the palace to the inn; this was about eight o'clock; witness accompanied her into the saloon in the inn; Bergami, his sister, and another person came to meet her; Bergami wore an uniform, and the queen was most splendidly dressed; the queen remained some time in the saloon, and then went to the Margravine's, where she remained until ten o'clock; this was the evening on which Bergami was indisposed.

By the Earl of Roseberry, The queen remained in the saloon during the whole period, from her return from dinner, to her going to the Margravine's. After witness's return from Inspruck to Scharnitz, in company with Bergami, at two or three o'clock in the morning, he never was a quarter of an hour without going into the queen's room up to five o'clock, when he saw her at breakfast.

After debates, prolonged until the 6th of November, the house divided, the lords being called over, beginning with the junior baron, and so proceeding in the inverse order of precedence, the *Lord Chancellor*

then declared the numbers to be, Contents, 123; not-contents, 95.—Majority for the second reading, 28.

The vote for the second reading of the bill was a judicial condemnation of her majesty. The smallness of the majority, however, led her party to consider it as a triumph rather than a defeat; because it held out to them strong hopes of being able ultimately to baffle the ministers. The failure of the bill, if not in the lords, at least in the commons, was now anticipated; and that failure was to be hailed as a complete establishment of her innocence.

On the following day, as soon as the house was assembled, lord Dacre presented the following protest from the queen:

"CAROLINE REGINA,

"To the Lords spiritual and temporal, in Parliament assembled.

"The queen has learnt the decision of the lords upon the bill now before them. In the face of parliament, of her family, and of her country, she does solemnly protest against it. Those who avowed themselves her prosecutors have presumed to sit in judgment upon the question between the queen and themselves. Peers have given their voices against her, who had heard the whole evidence *for* the charge, and *absented* themselves during her *defence*. Others, have come to the discussion from the *secret committee*, with minds biassed by a mass of slanders, which her enemies have not dared to bring forward in the light.

"The queen does not avail herself of her right to appear before the committee; for to her the details of the measure must be a matter of indifference; and, unless the course of these unexampled proceedings should bring the bill before the other branch of the legislature, she will make no reference whatever to the treatment experienced by her during the last 25 years.

"She now, most deliberately, and before God, asserts that she is wholly innocent of the crime laid to her charge; and she awaits, with unabated confidence, the final result of this unparalleled investigation."

The Chancellor stated, that, according to the mode of proceeding on accusations by bill, as established in Atterbury's case, the accused, after the second reading had a right to be personally heard, but not to have any protest entered on their lordships' Journals. He thought, however, that it would be proper to receive the paper then presented to them, not as a protest, but as an address.

The house having then gone into a committee on the bill, some slight verbal alterations were made in

the preamble. That clause in it which declared the queen guilty of adulterous intercourse, was objected to by some of the ministerial peers, on the ground that, though they believed her guilty, yet they thought that the bill would not finally pass, and that it was inexpedient to declare her, who was to remain queen, guilty of adultery. The clause, however, was carried.

The preamble being settled, the enactments of the bill were then read, and the archbishop of York immediately rose to oppose the divorce clause. The bishops of Chester and Worcester followed on the same side. The archbishop of Canterbury and the bishops of London and Llandaff spoke in defence of the clause. The debate was continued on that and the following day; when, on a division, 129 voted that the divorce clause should stand part of the bill, and 62 against it. Most of the ministers, and many others of the prior friends of the bill, were in the minority on this occasion, wishing the clause to be expunged, in order that they might have a larger majority on the third reading; for several of the lords, who had voted for the second reading, had declared, that they could not consent to the divorce clause, and that they supported the measure only on the understanding, that in the committee that clause would be expunged. For the same reason it was supported by the whole strength of the enemies of the bill, who saw, that by retaining the clause, they should on the third reading, gain the votes of those who had expressed their opinion for the degradation, but against the divorce, of her majesty.

On the 9th of November, the report of the committee was brought up, and the bill was read as amended. An unsuccessful attempt was made by lord Kenyon, to get rid of the divorce clause; and lord Lauderdale complaining that this clause had been retained by a trick of the opposed party, called upon those who were friends to the measure in its essence, not to yield to such a manœuvre, and not, by opposing the third reading, to reverse their former vote.

On Friday, the 10th of November, when the question was put, that the bill be read a third time, lords Morley and Fortescue spoke against it, as did also the dukes of Bedford and Grafton. Lord Ellenborough

expressed his determination to vote against the bill. The house then divided on the question, "that the bill be now read a third time. The numbers were, Contents, 108; Not-contents, 99; majority, nine.

The majority being ascertained, lord Dacre observed that he had been intrusted with a petition from her majesty, praying to be heard by counsel against the passing of the bill.

The earl of Liverpool said, that he apprehended such a course would be rendered unnecessary by what he was about to state. He could not be ignorant of the state of public feeling with regard to this measure, and it appeared to be the opinion of the house, that the bill should be read a third time only by a majority of nine votes. Had the third reading been carried by as considerable a number of peers as the second had been, he and his noble colleagues would have felt it their duty to persevere in the bill, and to send it down to the other branch of the legislature. In the present state of the country, however, and with the division of sentiment so nearly balanced, just evinced by their lordships, they had come to the determination, not to proceed further with it. It was his intention, accordingly, to move, "That the further consideration of the bill be adjourned to this day six months."

Lord Liverpool's motion was agreed to, and the house adjourned to the 23rd of November.

Probably, no measure was ever introduced into parliament, in the success of which the crown took a deeper interest, than in that of the bill for the degradation of the queen. Yet, in spite of all the royal influence—in spite of the strong case which the ministers made out, in spite of the aid which they derived from the co-operation of the ablest members of the opposition; they were, notwithstanding, forced to yield to the general clamour, and to abandon their measure.

The failure of the bill, was a defeat to ministers, and a triumph to the queen and her party. On the evening of the day on which the bill was abandoned, partial illuminations took place in the metropolis. Addresses of congratulation also poured in upon her; and resolutions were passed at various meetings, condemning the ministers, and recommending their removal.

DENNIS O'BRYEN, AND FRANKLIN, FOR CONSPIRACY, *October*, 1820.

A paper of a most wicked and treasonable nature having been traced to a Mr. Franklin, said to be son of a lieutenant in the guards, and whose connexions were ministerial, a warrant was obtained for his apprehension, and he was taken on Sunday morning. He was, however, set at liberty by Sir Robert Baker, on the undertaking of Mr. Williams that he would appear this day; but he failed to make his appearance. A poor boy, who was employed by him to put up the placards, which he could not read, had been fined and sentenced to the House of Correction for three months.

A warrant was then obtained to search the house of Mr. Dennis O'Bryen, and of Mr. Franklin, on his failing to appear. Mr. O'Bryen it is said, disclaimed all acquaintance with Mr. Franklin; but Mr. Williams, the neighbour and friend of the latter gentleman, stated, it seems, his having dined with him at Mr. O'Bryen's.

Mr. *Pearson*, the solicitor, who brought forward the charge on the 9th, at Bow Street, thus addressed the magistrate: Why is not the accused here to answer to the charge which I have made against him? If he is not in custody, I demand to know by whose connivance or authority he has been permitted to escape? I charge him with having printed and published the atrocious Address to the Livery of London. I charge him with having deluged the Smithfield meetings with the papers entitled "Bread or Blood," and other papers exciting the people to revolution and bloodshed. I charge this man with having, in the month of September, 1819, practised upon the feelings of a starving populace, by addressing to them an infamous placard, containing, among other things, the expression, "the majority has nothing to lose, and every thing to gain: this must kindle even cowards, and, in the words of our immortal bard, 'steel with valour the melting spirits of woman.'" I charge him with having published the bloody Address to the Brave Non-represented Reformers, which, in 1819, called upon the people to insist upon "Universal Suffrage, or Death." I charge

him with having written the threatening letter addressed to Sir Francis Burdett's jury, which operated so powerfully against the baronet's cause. In fine, gentlemen, I charge this man with having published, by thousands, tens of thousands, and hundreds of thousands, all the seditious and treasonable hand-bills which have been, for the last three years, imputed to the disaffected among the people. I am ready to prove his connexion with the ministers, and that at this moment there are sitting in this neighbourhood, several of his associates, who are, and have been for some time, devising treason against the people of England.

Sir *Robert Baker* here interrupted Mr. Pearson, by saying, that there was no such crime *as treason against the people.*

Mr. *Pearson* unequivocally stated, that he had evidence to prove *the direct agency of the government in the publication of all these seditious placards.*

Mr. *Pearson* then invoked the aid of the Home Department to secure the apprehension of the accused.

Next day Mr. Pearson applied for a warrant against the author and distributor of a most inflammatory and seditious libel, tending to excite disaffection and rebellion. He begged leave to hand the bill to their worships; it was dated in 1818, on occasion of the elections in Westminster and London, which returned Sir Francis Burdett and Mr. Waithman to parliament. After an allusion to the execution of Brandreth and others in Derby, for high treason, it contained these words, on which he particularly founded his application:—"Strike not at all, or strike home. Think of our personal insupportable servitude; and always remember that the alternative is, liberty or a glorious grave."

Sir *Robert Baker.*—It is two years ago.

Mr. *Pearson.*—It is, Sir Robert; but it is one of a series of more than thirty, which I can trace to the same source.

Mr. *Birnie* directed Mr. Pearson and his witness to retire with the clerk, for the purpose of making out a warrant in the usual form, and which was done accordingly: and placards were stuck up, offering 300

guineas reward for the apprehension of William Franklin.

In consequence of the severe strictures of several newspapers upon the fugitive incendiary, Franklin or Fletcher's connexion with Mr. O'Bryen, *a gentleman in office*, Mr. O'Bryen, thought it proper to publish a letter denying the connexion.

On the 12th, Mr. Pearson and Vickery, a police officer, left London for France, in pursuit of Franklin.

On the 17th, Mr. Harmer and Mr. Haydon appeared in the office, Bow Street, attended by a bill-sticker, of the name of John Jones, for the purpose of laying an information against Mr. Dennis O'Bryen, of Craven Street, Strand, for publishing an inflammatory and seditious placard. The magistrate directed the information to be laid, and the bill-sticker was examined in a private room, accompanied by Mr. Harmer, Mr. Haydon, and Mr. Stafford. They remained there for a considerable time. On their return to the office, Mr. Birnie wrote a letter to Mr. Hobhouse, under-secretary for the Home Department, inclosing the deposition of the bill-sticker and the placard. In the space of about an hour the messenger returned with an answer from Mr. Hobhouse, the purport of which was, to desire the magistrate to use his own discretion respecting the issue of the warrant.

A letter was transmitted to Mr. Dennis O'Bryen requiring his attendance; and he attended, but was dismissed.

At length a case being made out against O'Bryen, he was indicted and brought to trial on the 21st of February, 1821, at Westminster.

The first witness called was,

Arthur Seale. I am a printer, and live in Tottenham-court road. I know a man named Fletcher, or Franklin, or Forbes. I first knew him by the name of Oliver, on the first of July, 1818. He then applied to me to print a posting bill, which I did. He brought it to me on the Saturday, and I worked off about 400 or 500 by Sunday evening.

I remember the chairing of Sir Francis Burdett. It took place, I believe, on the 11th of July, 1818. I saw Fletcher about that time. I printed about 500 copies of a bill which he brought me. I also printed some hat-labels. I had some conversation with Mr. Fletcher about them, and he said, 'Let the fools wear them, they will the more easily be picked out to be put down.'

The placard was here put in and read. It was headed, "The Triumph of the People." It alluded to the chairing which was to take place, and in one part it mentioned that the only alternative for the people was—"liberty or a glorious grave!" Another bill was now handed to witness, which he identified also as one of which he had printed 400 or 500 copies, by the order of Fletcher. It was dated September 1, 1819, and purported to be an address to the electors of Westminster on the refusal of the high bailiff to call a meeting at that period. This was as violent in its character as the former. Witness said, he had no manuscript copies of any of these. A manuscript was now put into his hands, which witness proved to have been written by Fletcher at his (witness's) desk. He printed about 500 copies by his order: it was a kind of address, of a most seditious character, to the Non-represented Reformers; and was signed, "One of the Non-represented." The next placard handed to witness, he identified as having been printed by him, about the 21st of July, 1819, addressed to the Non-represented; it was still more seditious in its character than the former, and was a direct incitement to rebellion.

The witness continued—"This was delivered to Fletcher in parcels, the same as the others: Fletcher came to fetch the parcels away in a hackney-chariot. The chariot did not drive up to my door, but stopped about seven doors off, between Carmarthen Street and St. Pancras Street. This I remember was on a Monday. Fletcher had been with me on the Saturday before with the manuscript of the bill. It was about four o'clock when he came on Saturday, but I cannot say whether he came in a coach. He came on the Monday about a quarter past seven. I cannot say in which direction the chariot came; but when I saw the horses, their heads were turned towards the St. Giles's end of Tottenham-court-road. I had the curiosity to go out and look at the coach, and I found that an elderly gentleman was sitting in it. I did not then know who he was, but I have since found that it was Mr. Dennis O'Bryen. I was induced to go out and look at the number of the coach. I am certain it was the same carriage in which Mr. Fletcher came; I saw him coming out of it, I now recollect that the carriage came in the direction of St. Giles's. I know a person named Hockley. I had sent for him that evening on purpose to watch Mr. Fletcher."

Another posting bill was here shown to witness, of which he had printed 250 copies by Fletcher's order. It was dated Michaelmas-day, 1819. The next placard shown to witness was dated in September, 1819: of this, witness printed about 200 copies. It was addressed, "Suffering Fellow Bondmen," and entered into what were termed the bloody murders committed on the king's subjects. It was of a most seditious character. The witness now identified several printed placards of a most inflammatory nature, which were successively handed to him; they were all printed by witness, by Fletcher's order, in quantities of from 200 to 700, and were dated at different intervals in 1818 and 1819. The next placard which was handed to him was the celebrated circular letter, which had been sent by the post to the jurors, who were summoned to try Sir Francis Burdett at Leicester; it was dated March, 1820.

Witness said, "I printed 50 copies of this: I spoke to Mr. Fletcher about the nature of this, and observed, that it might operate on the minds of some of the jurors, who might fear assassination; but he said 'Never mind, the trial is all a sham, the jury are already decided, and have made up their minds, and Burdett is sure to be cast.'" "In August last (witness continued,) I think it was about the 25th, I printed 400 copies of a placard, by Mr. Fletcher's desire. It was headed "Evil be to him who evil thinks," and purported to be an address from the committee for managing the subscriptions for the queen's plate. Fletcher always took away the manuscript, except the one which has been already given in evidence. I once made objections to Fletcher against printing those bills, and he told me to be under no apprehensions —that I should be much employed, and had nothing to fear, for that nothing should happen to me, and I might depend on being protected in what I did. When he brought me the last bill, he told me I should have a great deal to do now that the queen's business was going on, and in a day or two he would bring me down a posting-bill, which he wished that nobody should print but myself. I had not seen him till that time, since I printed the circular respecting Sir Francis Burdett's trial. He told me, that he had been at St. Petersburgh since then. I saw him on the 24th of September last, then on the 30th, and afterwards on the 2d, 4th, and 5th of October. I believe I was mistaken in saying the 24th of August, a while ago. I meant the 24th of September. It was then he came to me with the placard respecting the queen's plate. I showed a copy of this to one person, and afterwards I saw Mr. Charles Pearson (the attorney) on the subject. He came to my house for the purpose of seeing Mr. Fletcher. He saw him there. I pointed him out to him. The person I pointed out was the same who had given me directions to print all the bills I have spoken of. Mr. Pearson saw him on the 1st or 4th of October. He also saw him on the 5th.

John Jones examined by Mr. Hill.—I am a bill-sticker, living at No. 1, Garden Lane, Westminster. Had been applied to by a person, in the year 1819, to stick bills. The person who so applied was of a ruddy complexion, and about five feet six or seven inches in height, rather stoutly made. The bills he stuck up had reference to a meeting which was to take place in Palace-yard. He went with the witness and showed him the places where to stick the bills. He stuck up about a hundred, and got in all, 12s. for the job. He next proved his having stuck up some of the bills, which had been already given in evidence, previously to the meeting in Smithfield: one of which was the address "To the Non-represented." Witness first objected to stick them up, as the printer's name was not to them: but his employer said, there could be no danger from the quarter from which the bills proceeded. It was near a month after when he called again, and left 2l. with witness' wife. The next meeting, about which he wanted witness to stick up bills, was in the city. Witness refused to do so, and alleged the danger with which it would be attended, as the officers were on the watch, in consequence of the bills which had been already put up. The person who came to him said there was no fear, that he would get him a great coat to hide his paste-pot, and

that he would be as safe as Lord Sidmouth. He laughed at him for being afraid. Witness, however, persisted in the refusal, and would not put up the bills. His daughters were present, when this person came to him the second time.

Anne Jones, a young girl, the daughter of the last witness, proved that she had been ordered by her father to watch the person who had come to him about the bills. She believed it was in August, 1819. She followed him to No. 21, Craven-street, Strand, the house of the defendant, Mr. D. O'Bryen.

John Hockley proved, that he had been employed by Fletcher to put up some of the bills which the first witness had identified. Fletcher went with him on one occasion, and remained out with him while sticking them till about four in the morning. He then described his having watched Fletcher, by the direction of Seale (the first witness.) It was a few days before the Smithfield meeting, in 1819. He saw him in Tottenham-court-road, coming out of Seale's house, on the night of the Monday before the meeting in July. It was about eight o'clock. The lamps were lit, and he could well see his face. He saw him coming in a coach near Seale's house, with the horses' heads as if he had come in the direction of St. Giles's. The coach stopped a little distance from Seale's house. He saw Fletcher come out. He had seen him in the day-light before, and knew him. He left an elderly gentleman, with white or powdered hair, in the coach. It was the same gentleman whom he had seen on Monday last, at 21, Craven-street, when he went there with Seale. The person he there saw was Mr. Dennis O'Bryen. When Fletcher came out of Seale's, he had a brown paper parcel in his hand. He did not get into the carriage immediately: but, seeing witness, he went into a tobacconist's shop near the place. In a short time he went into the coach. Witness got behind, and went with it to Charing-cross. There the parties got out, Mr. Fletcher got another coach, and went down Parliament-street to the Parliament coffee-house; the other gentleman went up the Strand. Mr. Fletcher took the brown paper parcel with him in the coach, down Parliament-street. He stopped at the Parliament coffee-house, two doors from Charles-street. He then came out, and witness saw him go down Downing-street. In about an hour Fletcher returned, and got into the coach. It then drove to Northumberland-street; Fletcher there got out, and passing through Northumberland-court, went into Craven-street. He saw him go to Mr. O'Bryen's house, No. 21, and rap at the door, and at the same time draw his stick across the rails. The servant girl spoke to him from the area, and he said, "Let me in, Bessy," or some such name. At this time it must have been past twelve o'clock. Witness after this went away.

Sarah Hadden.—I was a servant to Mr. O'Bryen, at No. 21, Craven-street, Strand, from the 25th January, 1820, to the 2d of January, 1821. I knew a person named Forbes, who used to visit my master. Mr. O'Bryen said, that he was a particular friend of his, and that he considered him as one of his family. Mr. Forbes came there frequently; none more often. I have heard my master call him Mr. Franklin. There were two sons of Mr. Forbes who came there, and went by the name of Fletcher. I remember

once my master told me to give a newspaper to Mr. Franklin, in the drawing-room. I went there, and saw only the person whom I knew to be Forbes. I did not say any thing about it then, but after Mr. Pearson and the officer had come to the house, I reminded my master that he had called Mr. Forbes by the name of Franklin: he said yes, but made no other reply. Besides Mr. Forbes's two sons, his wife and daughter used to come; the wife and daughter were called Mrs. and Miss Franklin. He used frequently to be occupied in writing. My master used to write also. I remember Mr. Pearson came in last October and inquired for a Mr. Franklin, and said that his (Pearson's) name was Johnson, and that he had an appointment to meet Mr. Franklin there. The servant boy was sent by me into the parlour to my master, and he came back with word, that no such person was expected there. He had been at the house the same day. Mr. O'Bryen told me he expected Mr. Forbes to dine with him on Sunday (the day Fletcher was arrested,) and we waited dinner for him two hours. Immediately after Mr. Pearson went, I was called up and told to repeat what he had said. I remember going to bed on the 8th of October, leaving a good fire and a clean hearth in the kitchen. This was about twelve o'clock. There had been no burnt paper on the hearth when I left. I swept the hearth the last thing. I left no person up but Mr. O'Bryen. In the morning, on my coming down, I found a considerable quantity of burnt paper under the grate. It was entirely consumed, and not a bit left as large as a half-crown. The family consisted only of Mr. O'Bryen, the servant boy, and myself. I left my master in consequence of a difference I had with him through the boy.

Charles Pearson.—I am the attorney in this case. In consequence of information which I received, I watched the house of Seale, on the 1st, 2d, 3d, and 4th of October, during the whole of those days. On the first three, I saw nothing particular. On the 4th, which was on Wednesday, I had walked by, and, on my return passed the house again; I found that the person whom I now say is Fletcher had gone into Seale's in the mean time. He was now coming out with a paper parcel in his hand. It was about eight inches long, and four thick. I immediately recognized him from the description I had already received of his person and dress. This was about half-past 2 in the afternoon. I traced him from thence down to 21, Craven-street, Strand, to Mr. O'Bryen's house. He had still the parcel with him. I saw him immediately after through the window, talking to Mr. O'Bryen in the parlour. I went into a neighbouring house and watched him from the window, but somehow I lost him for that day. I went again to Seale's house on the 5th, in company with Mr. Wilde (not the barrister of that name,) and again saw Fletcher come out with a parcel of the same description as on the preceding day. He was pointed out to me by Hockley and Seale. Mr. Pearson then described the route which Fletcher took in a hackney-coach down to Craven-street to Mr. O'Bryen's house. He went in and remained for some time. He came out without the parcel. Mr. O'Bryen came out a short time before him, and went away in a coach. Mr.

Pearson followed him (Fletcher,) and traced him to a subscription house in St. James's, from which he came out; and witness at last lost sight of him near Charing-cross. Next day Mr. Pearson made inquiries at Maida-hill, and found that a person named Franklin lived there. He applied at Bow-street on the Saturday, and got a warrant to arrest him. He applied that evening at Mr. O'Bryen's, but did not find him. He did not search the house then. Next morning, (he continued,) I went to Clarendon-place, Maida-hill, accompanied by Vickery, the officer. I sent up word to Mr. Franklin, that a person, a neighbour of his, wished to see him. I sent an assumed name; the name I assumed turned out to be that of one of the Bow-street officers, but I did not know it then. While the servant went up, I admitted Vickery. I afterwards went up, and asked him if his name was Franklin; he said yes. I then told him that I had an officer below, and that he must consider himself in custody. We conveyed him to Bow-street, where we left him in company with two officers, and since then I have not seen him, though I have made every inquiry. On the Monday, about one o'clock, I went to the house of Mr. O'Bryen, accompanied by Vickery; we were refused admittance. Vickery stated the object for which we called, and threatened to break open the door if we were not admitted. At last we took the opportunity of a gentleman coming, and we got in. We saw Mr. Dennis O'Bryen; and Vickery stated the object for which he came. Mr. O'Bryen expressed great readiness for Vickery to search the house. It was searched, without effect. While Vickery was searching the cellars, Mr. O'Bryen came to me, who remained in the passage, and demanded why we searched his house. I said, for Mr. Franklin. He asked what for; and I told him for publishing seditious libels in the name of the queen's plate committee. Mr. O'Bryen said, "I don't know such a man." I remarked that could not be; for that I myself saw him speaking to him on the Thursday before. He then denied knowing the man more vehemently than before; accompanied with threats against us for searching his house. I stated that the Mr. Franklin we sought for was the gentleman who lived at Maida-hill: whose son was an officer in the guards. I also described the dress in which I had seen him speaking to Mr. O'Bryen on Thursday. He replied, with still greater warmth, "I know of no such man." The rest of the time we remained was filled up with threats on Mr. O'Bryen's part, to prosecute for searching his house. Our business being now accomplished, we left the place. When we apprehended Mr. Fletcher, I told him what he was charged with.

Mr. *Scarlett* now addressed the jury for the defendant.

It was a fact that Mr. O'Bryen was intimately acquainted with Mr. Fletcher, and that individual once moved in such a rank in life, that no gentleman need have been ashamed of his acquaintance. But could the jury infer Mr. O'Bryen's guilt from this circumstance? How had the evidence connected Mr. O'Bryen with the atrocious conduct of Franklin? What had he done?

Had he been seen giving any of those bills to any of the printers? Had he been heard saying any one word which could in any manner prove a knowledge on his part, of what Franklin had been doing? The only thing on which the supposed guilty connexion of Mr. O'Bryen rested, was that which he did not for a moment deny—that he had been on terms of close intimacy with, and had given him shelter in his house, and received him in his family. But as to the hackney-coach in which Mr. O'Bryen was said to have gone with Fletcher, he (Mr. Scarlett) had received instructions most positively to deny that he had done so. One of the placards produced, contained a gross attack on the character of that great statesman, the late Mr. Fox. Now, the jury would have it in evidence, that Mr. O'Bryen had, for a long time, been intimately connected with Mr. Fox, and honoured with his friendship. He had been, and still was, on terms of intimate acquaintance with many eminent men, friends of that great man.

Here various public characters spoke to their knowledge of O'Bryen before 1806; and after the judge's charge, the jury returned a verdict of *Not Guilty*.

The fact, however, that such bills were thus fabricated by parties opposed to the reformers for the purpose of confounding reform with treason, was never controverted! Whoever were the persons really concerned in the fabrication of these incendiary bills, or those concerned in employing Edwards to instigate the treasons of Thistlewood, for they were palpably part of the same tactics, and originated with some unprincipled minds, the parties merit greater punishment than ever was devised by the cruelty of man; and it ought to be the business of this generation to endeavour to detect them.

JAMES NESBITT,

FOR MURDER, 1820.

At the Kent assizes, James Nesbitt was indicted for the wilful murder of Thomas Parker, at Woolwich, on the 3d of March, 1820. There were four separate indictments: the second charged him with the murder of Sarah Brown, at the same time and place. There were also indictments imputing to the prisoner the crimes of arson and burglary.

The *Common Sergeant* stated the case, and the fol-

lowing witnesses were then called in support of his statement:—

David Brooks proved, that on the 4th of March he passed Mr. Parker's house at one in the morning; he saw smoke coming out of the chimney; at half-past one, on an alarm of fire, he came to the house, broke open the door, and went in; it was locked within-inside, on the spring, as in the day-time; the house and furniture were on fire, the front parlour was burning and full of smoke; he threw water into it. When the smoke was dispersed, two bodies were laid on the table: could distinguish that one was a woman, but not the man; there was only one leg of the man left unhurt; a man's shoe was on the foot of that leg; there was blood on the floor behind the parlour door; no great quantity; it was then wet.

William Lyon, at two in the morning of the 4th of March, came to Parker's house, on an alarm of fire; the door was open, he went in and managed the engine hose; the fire in the front room up stairs was extinguished; the parlour was smoking; when the smoke subsided, he saw the skull of a human being on the floor, not severed from the body; it was much burnt. Gave an alarm; there was a woman behind the skull, dead, her legs and feet were burnt, and her clothes very much; her head and face not at all burnt, there was blood about the nose, there were marks of blows on the head, one on the back part; the bodies were laid on the table; the body of the man in lifting, broke into pieces.

Stephen Howard proved, that on the 4th of March he was alarmed by fire, between one and two in the morning; went to Mr. Parker's house, the door was open, got a ladder and broke the windows on the ground and first floor, broke open the shutters of the parlour and bed-room; went into the first chamber; saw a chest of drawers, all the drawers pulled out; they seemed to have been rummaged, papers were strewn about the room, and all appeared in confusion; the curtains and counterpane looked as if they had been burnt; the fire there did not seem to communicate with that below; a blanket was fastened up to one window which faced the street; went into the bed-chamber; saw nothing burnt there, nor disturbed; neither of the beds had been slept in that night; examined the back-door; it was fastened; witness forced it open.

Thomas Cole, publican, at Portsmouth, proved, that he saw the prisoner at Portsmouth a month before the murder; lodged with witness; prisoner left witness on the 19th of February; he then owed witness 5*l*. Witness was repaid on the 5th of March, at noon, by a labouring man, who took away the prisoner's trunk—it was paid by a 5*l*. note. When he lodged with witness he went by the name of James Watson.

Ann Kirby lived at Portsmouth; an unfortunate woman there; first knew prisoner in November; knew him by the name of Watson; knew him till he left Portsmouth in February; he had a nephew there; the nephew called him Watson. Prisoner said he was going to London to get some money; saw him on his return from London, on the 4th of March; said he had come from Woolwich from his friends; said he and another rode on horseback to Mouse-hill, and from thence he came by the coach; said he ar-

rived at eight, and came to witness directly; prisoner slept with witness that night at the Red Lion. Next day, at breakfast, prisoner sent a man to Mr. Cole's, with a note to pay 4*l*. 15*s*. The man returned with a trunk and some change in a paper; prisoner slept four nights more with the witness: after that the witness was afraid to sleep with him; he threatened to kill witness, and was so alarmed in his sleep that he would cry out, "What's that!" and would call on some name, Betsey or Sally. In consequence of this, witness left prisoner. He gave witness ear-rings and a shawl, and 15*s*. in money; witness occasionally slept with him afterwards; his behaviour in the night continued the same; prisoner said he had killed two men and one woman—the men in duels; it was a secret, and witness must not divulge it; he killed the woman by striking her, but did not like to hear of it: prisoner often went to the play after he returned from London, and dressed differently to what he had done before—a hat instead of a cap, and white top boots, let his whiskers grow, which he did not before, and wore silver spectacles.

William Duffey, nephew to the prisoner, was at Portsmouth in March; first saw the prisoner at Portsmouth in November; his name is James Nesbitt; he went by the name of Watson in November; he said he went after his mother's name. On the 4th of March saw the prisoner at seven in the evening; said he came from Woolwich by the coach; said he had seen witness's mother at Woolwich. On the 5th of March saw prisoner and Ann Kirby at the Red Lion, at half past ten in the morning; never saw them together again; after he was removed, witness received a letter from him; witness destroyed it; dont know that the signature, "James Nesbitt," was the prisoner's hand-writing. The letter asked witness to get a man and Mr. Cole to take their oaths, that prisoner had desired the man to pay money to Mr. Cole by a 5*l*. note, which Ann Kirby had sworn to be a 10*l*. note, and wanted witness to go to Mr. Carter to get some money, which was taken from him when he was apprehended; also wanted to know if Ann Kirby was coming against him; if she did, he would have her cropped, for she was the worst enemy he had. Witness did not know what "cropped" meant.

Barnard Soloman examined.—Was a silversmith and pawnbroker, saw the prisoner at his shop on Wednesday, the 22d of March; he produced a repeating watch, silver gilt—he produced no other articles; he asked ten guineas for the watch; he said the watch belonged to his deceased father, who died when 83 years of age. Said he had got some old silver at the George-inn, with which he would call next day; did call next day, and produced the watch, six table-spoons, and as many tea-spoons, weighing 17 oz. and receiving 9*l*. 6*s*. 6*d*. for the watch and spoons altogether. The initials on the table-spoons were "T. P. M.," and "W. M." with a "P" at top; prisoner said his name was Page, and his father's name Tommy Page.

Edward Hunt, gaoler of Portsmouth, in consequence of information, went to apprehend prisoner, in company with Thomas Hill, at half past eleven o'clock at night, on the 23d of March, at

the Red Lion; on entering the parlour, saw the prisoner draw out a pistol from his breast; sprang forward and caught hold of the pistol by the muzzle; Hill and he took it from him; he fell down in the scuffle, and on rising found Hill holding him with another pistol in his hand; the landlord assisted to secure him; the pistol taken first from him was loaded to the muzzle with powder only, the other was loaded with balls; a bunch, consisting of three keys, was found on him; one unlocked a trunk in the prisoner's bed-room, in it were a coral, some silver articles, and a small file; the coral appeared to have been filed by this file; a cap with a gold band, and a pair of nankeen trowsers, a little burnt on the hip part, a pair of spectacles, and several pair of boots, in a small red box; he also found a gold watch with a tortoiseshell case, a silver ladle and sugar-tongs, two plated table-spoons, and two tea-spoons, maker's name on the watch was "J. Vick, London;" there were also gold rings, chains, necklaces, knee-buckles, and jewellery ornaments; these articles were afterwards shown to the prisoner in gaol; the prisoner asked for an inventory, and said they were all his property.

The prisoner being called upon for his defence, said he left Woolwich on the 9th of October last: went to Portsmouth; was going over to France on the 26th of February; met Ann Winter, and went home to her house; afterwards called on her, and went with her to drink at the Red Lion; gave a guinea and half a guinea to the landlady to choose from which she would take the reckoning; landlady was alarmed, she said, by seeing so much money; slept that night with Winter, and missed in the morning two guineas; he in consequence quarrelled with her; went to France; returned to Portsmouth with a girl he met at an inn in France; saw Ann Winter once more; did not cohabit with her; came to Cole's house; brought home many articles of foreign produce, silk and muslin; sold many articles to Jews; about 14*l.* worth came to London; remained at his own house till the 23d of February; left the town, and came to live at the Cross Keys; returning to Woolwich he met three old soldiers, who asked him to accompany them to Portsmouth, drank with them, but declined; went from Bishopsgate to Portsmouth, saw his nephew there; he had made an appointment to see these old soldiers at Portsmouth; again cohabited with Ann Winter; at the public-house, his nephew wrote for him a letter to his wife; on being examined afterwards at Portsmouth, this woman Ann Winter, prevaricated, more

especially as to the value of the notes; afterwards he and Ann Winter quarrelled again; she accused him of bearing spite; he said it would be foolish, as he could easily kill her at a blow, as he had killed many a man before. This expression, he complained, had been shamefully misrepresented in the newspapers. He had also been reported to have stolen away a young French girl of expectations.

The jury pronounced him guilty of murder, and the judge pronounced on him the customary sentence—"That he should on the following Monday be hanged, and his body delivered to the surgeons for dissection."

He heard the sentence without dismay, but replied —"My lord, though the laws of my country have pronounced me guilty, I am innocent of the crime laid to my charge. The men who really did the murder are now in this town."

On Sunday evening his wife and children arrived from Woolwich to take leave of him, and after his family had retired, he made a full confession of his guilt.

ANN HEYTREY,

FOR PETTY TREASON AND MURDER,

At the Warwick Assizes, 1820.

Miss Dormer stated, that she was daughter of the prosecutor, and lived at Ashow in the month of August last. Her mother made the tea, and the prisoner waited. She went out and returned; she saw the prisoner in the passage as she came in, who appeared agitated, and perspired much. Witness asked her if any one had been there; she replied, "No, nobody." She then went into the wood-yard and returned immediately, but appeared to be still very much confused; witness observed blood on the floor of the passage, the spots of which appeared smeared, as if there had been an attempt to wipe them up, and she pointed out the blood to the prisoner, asking what she had been doing; in reply she said, "O, nothing." Witness told her to get a mop and wipe it up, and then asked where her mother was; the prisoner said, "She is gone towards Ashow." Miss Harriet Dormer soon after called out, "Mother, mother," and asked where her mother was, and the prisoner said, "She was gone into the garden about ten minutes before, to gather cucumbers." Witness then said, "I went up stairs to my own room, and saw my mother's room door shut as I passed by: my sister Mary followed me up stairs. When

in my own room I heard my sister scream violently; found my mother dead, and there were drops of blood in the passage, which had the appearance of being wiped."

Thomas Bellerby, a constable of Kenilworth, took the prisoner into custody; her hands were bloody, and there was blood under her nails; her hands looked as if they had been wiped, and her face was much swelled on the left side. Witness told her, her brother was taken up about it, and observed what a thing it was, to bring her friends into trouble. She said, "Neither her brother nor any other man had to do with the murder." Witness said, "If you say that you know who did it." Prisoner almost immediately replied, "She did it, and no one helped her." The deceased and the prisoner went into the garden and got some cucumbers; that they returned from the garden to the house; then the deceased went into the best kitchen; she put her spectacles on and began reading. The prisoner went into the pantry to cut up some cucumbers and onions for supper; whilst the prisoner was cutting these cucumbers, she said a thought came in her head she would go and murder her mistress. She then left off cutting cucumbers, and went into the prosecutor's back kitchen, which she generally did when she fetched wood. She returned and put her hurden apron on; from thence she went into the wood-yard and into the lane, but returned immediately into the house to the best kitchen, where her mistress sat reading; that she knocked her out of the chair; that as she fell she gave a shriek, and lay about a minute on the floor. The prisoner stood looking at her, and then the deceased got up and ran along the passage and up the stairs. The prisoner then said she followed her out of the kitchen, and went herself into the dairy; the prisoner took the carving-knife, and went up after the deceased into her bed-room; when the prisoner got there, the deceased was lying on the floor; she said she did not knock her down; the prisoner thought the deceased had tripped up with the carpet at the door, or was fainting. The prisoner then said that she leaned down and began cutting the deceased with the carving-knife. The deceased made little or no resistance till she had cut her two or three times; the deceased did not speak, but she made a kind of rustling noise, and caught at the knife with her hands. When the prisoner had so cut her mistress, she held her down till she was dead, and put the white cap on her head, which had come off in the struggle. Witness asked her why she did not put the black cap on? The prisoner said, "she did not think of it." Witness asked her why she put the knife under the arm of the deceased? She said "she lifted the arm of the deceased, and put it there to make people believe that the deceased had done it herself."

The jury, after consulting together a few minutes, brought in their verdict—*Guilty* both of the petty treason and the murder.

The judge then said, "May God have mercy on your guilty soul."

She died with every mark of repentance for her

horrid crime. Prior to the falling of the drop, she said she had no reason for killing her mistress, but that she thought she must murder her.

MR. F. TWIGHT,

FOR PRAYING FOR QUEEN CAROLINE.

On *October* 29, 1820, *Mr. Francis Twight*, a farmer, was brought up for trial for repeating in open church, at Whipstead, (after the blessing implored for the king,) "and God bless the queen too," was tried for the same.

He was summoned by the rev. vicar of the parish, before the magistrates, and convicted in the penalty of 20*l*. which refusing to pay, he was committed to prison until the ensuing sessions, declining to find bail, though pressed to do so, not only by the most respectable inhabitants in the parish, who offered to become bail, but by the magistrates themselves.

A jury, after several challenges, was sworn; the clerk read over the indictment, containing no less than eight counts, which charged that "the defendant, Twight, on the 17th of September last, in the parish church of Whipstead, willingly, and of purpose, maliciously, and contemptuously, did interrupt and disturb the congregation there assembled." When the defendant was asked, in common form, whether he pleaded guilty, or not guilty, no little consternation pervaded the court and auditors, to hear him reply, guilty. Mr. Cooper, one of his counsel, immediately arose, and said that the defendant certainly laboured under a misapprehension; and Twight added, he said the words, but pleaded guilty to them, as "no crime."

Mr. Storks then addressed the jury:—After a very anxious attention to this case, and a firm persuasion in my own mind, from the finding of the grand jury as to its result, I yield myself reluctantly to the wishes of my client, who, although he has felt it his duty not to have permitted, in his church, that which would not have been permitted in another, impelled by this Christian spirit of charity, wishes to put an end to

this case, and to leave it at this stage of the proceedings, by not producing any evidence. If my learned friends choose to accept this offer, I shall sit myself down; but if it be not accepted, I shall discharge my duty.

A pause here ensued. No answer was made by the defendant's counsel, when the chairman said, "As no evidence is brought forward, the jury must find an acquittal;" and they instantly returned a verdict of *Not Guilty*. The chairman observed, "You ought to feel yourself very much obliged;" when Twight replied loudly, "I do not feel so at all."

ROBERT SURRAGE, JOHN DEMPSEY, JOHN BECK, JOSEPH ELLIOT, MALACHI CLINTON, AND PATRICK LYNCH,

FOR MURDER,

November 5, 1820.

The above persons were charged with having, on the night of the 30th of July, 1820, fired several shots, by which Robert Simpson, and Henry Pearson, watchmen in Greenock, and Archibald Morrison, were mortally wounded.

The panels pleaded not guilty to the crimes libelled. The prosecution against Clinton was abandoned; but the following witnesses were called, to support the charges against the others.

Muter Mitchell, a boy about fifteen or sixteen years of age, lives in Greenock. He went out one evening last summer to look for his brother, who had recently arrived from the West Indies. Heard a noise at the foot of the Highland-close, opposite to Shannon's-close, both of which enter from the Laigh-street. Saw a tall soldier there, calling upon the best of the blue-jackets to turn out, and he would fight them—there were about five or six soldiers present, and about a dozen tradesmen, or sailors, in jackets. The sailors were all wanting to make peace, and not to fight. Saw a soldier with a bayonet concealed under his jacket, which the women wished to take from him, but he held it up over his head. A sailor came up with a pair of water-stoups, who asked the soldiers to go with him and get some spirits, and not to stand wrangling there. One of the soldiers said, "Come along, shipmate;" and they all went down Shannon's-Close. Witness looked down the close, and in a very little time the quarrel began, when he saw

one of the soldiers knock down a sailor with a water-stoup. The soldiers went into the house, and the sailor, on getting up, went also into the house, when the door was shut. Heard the people say they were killing some person in the house. The people then began to break the doors and windows, in order to get in. Witness ran up the close to be out of the way, and had stood at the head of it but a very short time, when he heard a soldier call "Fire!" and then a gun went off, on which the people called out there was a lad shot, and shortly after saw him carried up the close by some persons. Understood his name was Morrison. When standing at the head of the close, witness heard several other shots fired from the window, which was in the garret of Quin's house. Saw an old woman running, calling for the guard, who, when they came, said to those who were in the house, "halt, halt." The soldiers who fired, desired them to take away the people in the close, which the guard did. After the guard went away, the soldiers continued firing from the same window. The crowd remained, standing at the foot of the close, when a man came out from the crowd, and spoke up to the soldiers at the window, when a shot was fired, and the man fell. He saw the gun out of the window, and heard the voice of the same man who wanted to fight with the sailors. When the guard came the second time, the people went down along with them to the house, and witness saw the man who was shot; some of the guard went into the house from whence the firing had proceeded, and took away three soldiers; they afterwards came back and took away more prisoners, but does not know how many. The soldiers, at the time witness saw them, did not appear as if drunk. When the guard took away the three, they appeared to be beastly drunk. Witness pointed out Lynch as the person who had the bayonet, but was not positive.

A number of witnesses concurred in the same statement of the circumstances, and three of them fully identified the prisoners, Dempsey and Surrage, as belonging to the party of soldiers.

After the Lord Justice *Clerk* summed up the evidence, the jury returned a *viva voce* verdict, finding Beck *Not Guilty*; the indictment against Elliot and Lynch, *not proven*; and Surrage and Dempsey, *Guilty* of the murder of Simpson and Pearson only; but unanimously recommended Surrage to mercy.

The trial occupied eighteen hours and a half.

Next day, Surrage and Dempsey were put to the bar, when, after a very impressive address by the Lord Justice *Clerk*, his lordship sentenced the unfortunate men to be executed at Edinburgh, on Wednesday, the 13th of December, between eight and ten in the morning, and their bodies to be afterwards given for dissection.

SAMUEL DENMORE HAYWARD,

FOR BURGLARY;

AND HENRY JUDD, FOR RECEIVING.

October, 1821.

SAMUEL Denmore Hayward, a young man, elegantly dressed in black, and of a prepossessing person, was indicted at the Old Bailey, for burglariously entering the dwelling-house of Ann Stebbing, and stealing plate, jewellery, and linen, to a large amount; and Henry Judd was indicted for feloniously receiving the same, knowing them to have been stolen.

Ann Stebbing stated that she lived at No. 12, Charles-street, Clarendon-square, St. Pancras. She had a gentleman lodger in the house. On the night of the 15th of September, the family went to bed, and all the doors and windows were shut. Witness kept no servant, and her daughter and herself slept together. At about half-past two she heard the stairs cracking, but was not alarmed, supposing it to be the lodger. When she rose in the morning, she found that the house had been broken into. The back window was thrown up, the bureau was open, and all the drawers pulled out; and she missed a great variety of articles. At seven o'clock the same morning, she had a message from the watch-house, and she went there and found part of her property. She saw and spoke to the prisoner on the Thursday preceding the robbery, at her own door.

William Hooper, was the watchman in Euston-street, Euston-square, about a quarter of a mile from the house of the prosecutrix. At three o'clock on the Sunday morning he was on his beat, and saw some persons, whom he followed across a brick-field, about a quarter of a mile: four or five had bundles, and he suspected them. Another watchman, named Knott, assisted him in the pursuit. The persons crossed the New Road, and went down Carmarthen-street. There witness secured the prisoner Hayward, who had a bundle under his arm, wrapped up in a grey cloak. He struggled to get away, and his hat fell off.—At the watch-house, Hayward was searched, and various articles of wearing apparel were found on his person, and in his hat, which had been picked up.

Henry Elkins was a sculptor. He had been acquainted with Hayward a fortnight before this robbery took place. On the evening of the robbery, he went to the house of Mr. Connelly, and met four other men besides Hayward. They remained half an hour, and then went to Charlton-street, Somers'-town. Hayward left him there for a few minutes, outside a public-house. The prisoner and his companions presently returned, and they went across some brick-fields to a public-house in Euston-street, and stayed till past twelve o'clock, when they went to the field at the back of Mrs. Stebbing's house. Two of the men took a bundle they had

with them, towards the house. A man, who answered to the name of "Bill," broke open the window of Mrs. Stebbing's house, while Hayward remained outside with witness. A man with a glazed hat went in at the back-door. The two men remained about an hour and a half in the house. There was a third man placed near the door. He was continually bringing out things, which were disposed of in the best manner they could about their persons. After the men had quitted the house, Hayward said, that something of consequence was left behind. They all went back, and Hayward went into the house and brought out a bundle. Two of the parties then went to witness's lodgings in the New-road, and some of the property was deposited in his cellar. They then all went by the New-road into Carmarthen-street. The party was dispersed by the watchmen, and Hayward was taken. Witness was apprehended on Sunday (the next day) at about three o'clock in the afternoon and having disclosed the whole matter became evidence for the crown.

The jury found the prisoner Hayward *Guilty*, and acquitted Judd.

Hayward was the son of a currier, residing in the Borough. At sixteen years of age he was apprenticed to a tailor, which situation he quitted before two years of his apprenticeship were expired.

The next scene in which he appeared was as waiter, at the York coffee-house, near the Royal Exchange, where he here was soon noticed by Dr. Pugh Gueston, at that time engaged in compiling his "History of London;" and who being struck with the address, appearance, and intelligence of Hayward, he took him to his house, where he employed him in collecting materials for the work in which he was engaged. While living under the roof of his patron, Hayward was so industrious as not only to acquit himself reputably in his engagement, but to make himself master of the French and Italian languages, which he spoke with great fluency.

He remained with the doctor about five or six years, and then entered into an engagement with captain Blanchard, with whom he continued nine months, the greater part of which time was spent in travelling.

On separating from the captain, it was his misfortune to be introduced to some of the principal gambling houses at the west end of the town, and soon became confirmed in the habit of play. He was also acquainted with some notorious courtezans, and was introduced to several highly respectable families in Russell and Bedford-squares, frequented their parties

and was the delight of circles in every way qualified to admire and encourage an individual distinguished by all the exterior graces of an accomplished gentleman.

His life now became one continued scene of dissipation, in which he profited by his handsome person and elegant manners, in various intrigues and successful swindling. His plausibility enabled him to elude detection for a considerable time, notwithstanding his notoriety rendered him a subject of unceasing enquiry in every quarter of the town. He accompanied two or three families of distinction in their summer excursions; but suspicion arising as to his integrity, he was soon discarded from their society. During his imprisonment, he stated himself to be personally acquainted with Mr. Braham, the celebrated singer, and he is said to have been at the christening of one of that gentleman's children, at which the duke of Sussex was also present.

Hayward's whole time may be said to have been occupied between the gambling house and the brothel, and the temptation to commit a robbery, which presented great profit, was too strong to be resisted in the state to which his dissipated habits had reduced him.

In 1821, Hayward accidentally fell into company with a young lady, to whom he represented himself as a young man of good family and expectations, and, under this impression, he was permitted to visit at the mother's house, who was a respectable widow, residing at Somers Town. After a few interviews he affected to be deeply in love with the young woman; but his object in reality was only to become acquainted with the premises, and where the lady's property was deposited, in order that he and his associates might plunder it.

While our hero was carrying on a pretended courtship with the young lady, he had linked himself with a set of professed house-breakers, and engaged to furnish them with such information as would enable them to enter the house, and get at the valuables with the least risk of detection; and, accordingly, after having gained all the knowledge he could on the subject, he and his companions met and concerted the plan of operations.

In addition to the regular organized house-breakers, there was a young man, named Elkins, an artist of no ordinary talents, who joined in the depredation, according to the confession in his evidence.

From the great interest which had been excited in behalf of Hayward, he, for sometime after his conviction, flattered himself with the hope of escaping with his life; but the numerous applications failed.

In the very short interval between the communication of his sentence and his execution, he was visited by numerous persons of great respectability, with whom he had been in the habit of mixing at most of their houses; and he still entertained strong hopes of a reprieve up to a late hour of the night.

Nov. 27th was fixed for his execution, and when the executioner came down the steps, and gently reminded him with, "Now, Sir!" he instantly quitted his seat with a complacent smile, and bowing to the sheriffs and the few persons around him, with all the manners of an accomplished gentleman, ascended the drop with a firmness that astonished every one present, and resigned his eventful life without scarcely a struggle.

THOMAS DOLBY,

FOR A LIBEL,

1821.

This was an indictment against the defendant for a libel, preferred by the Bridge-street Society, or *gang*, as they were generally called by the adverse party.

On the panel of the special jury being called, three gentlemen only—William Fisher, esq. John Pattison, esq. and Francis Tatton, esq. answered to their names.

Mr. *Gurney* (for the prosecution) then prayed a tales.

Mr. *Scarlett* (for the defendant) interposed. The sheriff, by whom the common jury were returned, was one of the prosecutors of the indictment before the court, and he could not be permitted to return a jury, which jury was, in fact, to try a prosecution of his own.

Mr. *Gurney* said, that Mr. Scarlett, in that case, ought to challenge the array.

Mr. *Scarlett* was about to do the very thing; but merely wished to cite an authority for so doing.

The *Lord Chief Justice* had so understood it.

Mr. *Scarlett* was then proceeding to state his authority, when the Lord Chief Justice observed, that the challenge ought first to be put in.

The challenge was then put in and read. The ground of objection taken was this. —That John Garratt, esq. and alderman, one of the sheriffs by whom the common jury panel was returned, was, in truth, at the time of his returning such panel, one of the prosecutors of the present indictment.

Mr. *Gurney* observed that the challenge was written upon paper. It ought properly to have appeared upon parchment.

Mr. *Scarlett* said, that it might be put upon parchment hereafter.

The *Lord Chief Justice* thought that, whether upon parchment or paper, it ought to be presented in the form in which it was to remain.

Mr. *Scarlett* said that it could, if necessary, be copied upon parchment in a few minutes.

Mr. *Gurney* then withdrew his formal point, and denied the matter contained in the challenge, and Mr. Scarlett was content to put the fact in issue.

The *Lord Chief Justice*.—The next thing, then, is the appointment of triers. In a case, I believe at Maidstone, two special jurymen appeared, against whom there was no objection; and upon a challenge to the array, those two gentlemen were named as the triers. As there are three special jurymen in the box, we cannot select any triers more likely to be disinterested.

Mr. *Scarlett* assented.

William Fisher and Francis Tatton, esqrs. were then named, and sworn to try the issue in dispute. The issue was put to the triers thus :—Was John Garratt, esq. or was he not, one of the prosecutors of the present indictment, at the time when he returned the common jury panel?

Mr. *Scarlett* addressed a few words to the triers, merely to inform them of the question they had to decide. Mr. Alderman Garratt, the present sheriff, in the course of his duty, returned the common jury, and he (the alderman) was member of a society calling itself "Constitutional," and prosecuting the present indict-

ment. That Mr. Garratt was a member of that society, would be distinctly proved. His name, in fact, appeared in a list of subscribers, furnished by the solicitor for the prosecution, to the solicitor of the defendant, and that list has since been printed and made public. The alderman was a subscriber at the commencement of the prosecution; and if he had since withdrawn his name from the list, he had not withdrawn his money from the funds, of the society; and the money was the sinew which enabled the society to act.

William Nettlefold being called and examined, said—I am attorney to the defendant in this case. I appeared at the Crown-office to strike the special jury, and I then demanded from Mr. Murray a list of the members and subscribers of the Constitutional Society; Mr. Murray admitted that the society were the prosecutors, and sent me, on the 29th of May, the list I have in my hand. In that list I find the name of Garratt occurring twice; there is a Sir George Garratt, and a John Garratt, styled an alderman. Opposite to Mr. John Garratt's name there appears a subscription of 5*l.* 5*s.* I have no doubt that the Mr. John Garratt there named is the present sheriff.

John Roberts knew the person of alderman Garratt, and was at Guildhall at the time when the alderman was chosen sheriff. At the conclusion of the first day's poll, Mr. Garratt stated, that he had been a member of the "Constitutional Association," but that, since he had been chosen alderman, he had thought it incompatible with his duty to remain among them, and he had therefore ceased to be a member. Witness was at Guildhall on several following days during the poll for sheriffs; and either on the first or second day after that to which he had already alluded, he heard alderman Garratt retract his former declaration.

Mr. *Gurney*, considering that the sheriff had really nothing to do with the choice of the jury, was a little surprised at the course which Mr. Scarlett had taken. The objection, if it could be made out, was, notwithstanding, sufficient. The learned gentleman then commented upon the inconclusive nature of the evidence adduced, and proposed to set the matter completely at rest by calling John Garratt, esq. alderman and sheriff.

Mr. *Scarlett* submitted, that Mr. Garratt was not a competent witness. The objection being to the sheriff's return, the sheriff could not, in person, give support to his own act. Besides, by supporting Mr. Gurney's case, and obviating his (Mr. Scarlett's) objection, Mr.

Garratt would further the indictment of which he was the prosecutor.

The Lord Chief Justice said he would endeavour, if possible, to recollect some authority; and Mr. Scarlett said, he could furnish none.

Mr. *Gurney* contended, that the question before the triers, was merely a collateral issue, and an issue in which Mr. Garratt would have no interest.

The *Lord Chief Justice*. I think not.

Mr. *Scarlett* begged to be understood in what he was about to say, as casting no imputation upon Mr. alderman Garratt. To shew that he meant any thing rather than an offence, he would begin with citing a case in which a namesake of his own, a man named Robert Scarlett, had been the subject of criminal prosecution in a court of justice. The case, which appeared in Coke's Reports, was this:—Robert Scarlett became a member of the grand jury of the county of Essex; and he was indicted before the court of Star Chamber upon a charge of having so become a member of the grand jury, to aid in the finding of certain indictments in which he (R. Scarlett) was personally interested. It appeared, therefore, that if a person knowing himself to be interested, voluntarily, and by his own seeking, did that office which the law required should be performed by an impartial hand, he subjected himself, for such act, to public prosecution. Now, put the case that a man became sheriff, in order, by returning particular jurors, to aid and support a particular indictment, he would, for so becoming sheriff, be actually punishable; and such a sheriff (the case was merely a case supposed) would clearly have an interest in a collateral issue like the present; he would be called to give evidence in a collateral issue, when the effect of his own evidence might be, to purge himself from misdemeanor.

The *Lord Chief Justice*. Supposing such a case, Mr. Scarlett, as you have imagined, could the verdict upon the collateral issue be admitted afterwards as evidence upon an indictment?

Mr. *Scarlett* clearly apprehended it might. The issue would be tried before a court of competent jurisdiction; a verdict of acquittal would be an answer to

the indictment; and therefore a verdict of guilty would be evidence. Such a verdict would not only be evidence, but conclusive evidence. A court of law must take it in the same way that the House of Lords took the verdicts of ecclesiastical courts, without reference to the proceedings upon which those verdicts had been obtained.

The *Lord Chief Justice*, in the absence of all authority, thought the safer course would be, to treat the witness as incompetent. He by no means meant to pledge himself as to the law upon the point, and wished distinctly to be understood, that his decision could afford no precedent. The question deserved much serious consideration, and he was only desirous, at present, of taking the safer side.

Mr. *Scarlett* merely understood that Mr. Gurney withdrew his witness on account of the novelty and uncertainty of the case.

Mr. *Gurney*. Certainly. Call Mr. Sharp.

Mr. *Sharp* got into the box; when Mr. Scarlett said, I mean to object to you too. You are a prosecutor in this case.

Witness. I apprehend that there can be no doubt of that.

Mr. *Scarlett*. I apprehend, my lord, that it is the witness' interest to complete that which has been begun by the sheriff.

Mr. *Gurney* said, that the point was a good joke; but his learned friend could not be serious.

Mr. *Scarlett*. Quite serious.

The *Lord Chief Justice* thought, that that would be going a little too far. If he did not receive the evidence of Mr. Sharp, he might exclude, upon the same ground, all possible evidence.

Mr. Sharp was then examined by Mr. Gurney. Have you attended every meeting of the Committee of the Constitutional Society since January last?—I have. In the months of May and June was Mr. John Garratt a member of the Society?—In May certainly, and, I think, in June. Did he cease to be a member sometime before he was elected sheriff?—Yes. Had he ever attended any meeting of the Society.—No. Has he done any thing but give 5*l*. 5*s*.?—Nothing.

Cross-examined by Mr. Scarlett. What are you.—I am the honorary assistant secretary. You do not mean to say that that is your business: I ask you what you are.—what is your business?—

I mean to say I hold that situation. Yes; but what business do you follow?—I am no business. Then this is your only business?—I have no business whatever. You live on your fortune?—I live on means that I possess. Were you ever in any business?—I was in the Manchester trade. How long ago?—Two years. And you have been two years without any business?—Yes. You say that Mr. Garratt became a member of this association by subscribing his money.—Yes. That was the case with a great many people, I believe?—Yes. Have you returned the alderman his money?—I am not aware that the money has been returned. What has become of it?—It has gone into the general fund. Were you treasurer?—No; Mr. alderman Atkins is. And what do you mean by Mr. Garratt's having ceased to be a member?—He did cease.

The *Lord Chief Justice*. What act did he do?—He addressed a letter to me as secretary. Have you the letter?—No, it is at home.

Mr. *Scarlett* thanked Mr. Gurney's witnesses for the support they had given to the defendant's case.

The *Lord Chief Justice* summed up the evidence. The question was, whether, at the time of his returning the jury, the sheriff had, or had not, been a prosecutor of the indictment. The indictment was preferred on the 17th of May; and on the 29th of May, Mr. Garratt's name appeared upon the list of the Association. The name stood "Mr. Alderman Garratt;" it was clear, therefore, that Mr. Garratt was a member subsequent to the time at which he became an alderman. The evidence had clearly proved to the jury, at the time of finding the indictment, and for some time after, the sheriff was a member of the Prosecuting Association; and the only question was, whether, before his return of the present jury, he had withdrawn himself from that situation. The fact of his having been a member being in proof on the one side, it was incumbent on the other side to show the withdrawal, and to show that withdrawal by very satisfactory evidence. If the triers were satisfied that alderman Garratt had withdrawn himself before the return in question, they would find their verdict for the prosecutor; but if they were not fully satisfied upon that point, the safer course would be, to find for the defendant.

The question was then formally put to the triers, whether Mr. Garratt, at the given time, was or was not a prosecutor of the indictment; to which they replied, without hesitation, *that he was*.

THE REV. RICHARD BLACOW,

FOR A LIBEL ON QUEEN CAROLINE,

September 1, 1821.

SUCH was the curiosity excited on this occasion, that previously to the opening of the public doors, every part of the court, with any accommodation for sitting, was already occupied. The reverend defendant was among the first who took his seat immediately below the crier, and directly opposite to the jury. When the doors were opened, the rush was tremendous, and in an instant every inch of standing room in the court (the most spacious in the kingdom) was occupied.

Mr. *Tindal* stated the pleadings, viz. an indictment against the Rev. Richard Blacow, for a scandalous and malicious libel against the late queen. The first count charged, that he had composed and preached the words charged as libellous; the second count charged, that he had composed and published the words in a pamphlet, entitled the substance of a discourse, &c. The defendant pleaded not guilty, upon which issue was joined. Mr. Tindal then proceeded:—

Gentlemen, the author of this libel is a minister of the gospel. The libel is a sermon;—the act of publication was preaching;—the place was his church;—the day was the sabbath;—the audience was his congregation. Far be it from me to treat lightly that office of which he wears the outward vestments, and which he, by his conduct, profanes. A pious, humble, inoffensive, charitable minister of the gospel of peace is duly entitled to the tribute of affection and respect which is ever cheerfully bestowed. But I know no title to our affection or veneration which is possessed by a meddling, intriguing, turbulent priest, even when he chooses to separate his sacred office from his profane acts; but far less when he mixes up both together—when he refrains not from entering the sanctuary with calumny—when he not only invades the sacred circle of domestic life with the torch of slander, but enters the hallowed threshold of the temple, and casts it flaming on the altar—when he makes the worship of God the means of in-

juring his neighbour, and polluting the flock committed to his care. Of the defendant's motives I say nothing. I care not what they were; for innocent they could not be. Of the illustrious and unfortunate individual who was the object of this attack, I forbear to speak. The grave has closed over her unrelenting persecutions. The evil passions which beset her steps in life have not ceased to pursue her memory, and with a resentment more implacable than death. But it is your's to vindicate the insulted laws of your country. If your verdict will have no effect on the defendant, if he still go on unrepenting and unabashed, it will at least deter others from violating the decency of the law.

Mr. *T. B. Johnson* proved that he printed the sermon for the defendant, who corrected the proofs.

Thomas Coglan was present and heard the sermon—took notes of the passage read—has since read the printed sermon, and found a great portion of it agree word for word.—Here they were compared.

Mr. *James Bunnel* also heard the sermon, and has since read it. Understood the words in the indictment to apply to the queen; could apply them to no other woman.

Mr. *Millar* purchased the printed sermon at the shop of Evans and Co.

By desire of the defendant, the whole sermon was read by Mr. Cross, with the notes, which took about an hour, of which the subjoined is one of the notes:

(Note "Mock-Majesty astride upon an ass.")

"Enter Jerusalem on an ass,
Then on the stage act Columbine;
Attend with Bergami at mass,
Then to St. Paul's—Oh! Caroline!!!"

Mr. *Blacow* then read his defence, which occupied two hours and a half. It was very miscellaneous, and with a view to his defence, attacked Mr. Brougham for putting up for Liverpool; for defending the queen, &c. The defendant said he took up his pen, to protect his king and country. "Every man who had a spark of loyalty, a grain of religion, a particle of affection for his country, was bound to arrest the progress of the desolating storm. He was satisfied that it was his duty to bring all the energies of the pulpit to bear upon it. Party politics were far beneath their notice,

but there were Christian politics which had a strict claim on their attention. (Here the defendant quoted the several passages of Scripture that are usually applied to politics.) With all the systems of *dissenters*, disloyalty and disaffection were interwoven; and if they were not *checked*, they would soon revive an Oliverian dynasty. Having made these remarks, he would go on next to show that the symptoms which had preceded the French revolution had begun to appear in this country when he preached his sermon. "When bad men conspire, good men must combine." In their ranks he took his stand against the raging waves, and the blood hounds, and 10,000 other figurative horrors. It was a cool and deliberate act he did. He had yet to learn the head and front of his offending."

The defendant was frequently interrupted by the learned judge, who stated that his mode of defence was irregular, irrelevant, and libellous.

Mr. *Blacow*, however, proceeded to abuse the queen—Mr. Brougham—Mr. Denman's "filthy Greek"—"the Times"—Mr. Creevey—and the radicals—The common council of London—aldermen Wood and Waithman, and the Whigs—and lastly, "that old crazy-headed goat, lord Erskine"—He eulogized the king, the ministers, the Bridge-street Association, and the Courier; and, notwithstanding the frequent reproofs of Mr. Justice Holroyd—solemnly swore before God, he was not guilty of the charge, and "if racks, tortures, and even the gibbet were his reward, he would not abate one word of what he had said."

Mr. Justice *Holroyd*, in the most guarded and temperate language, gave his opinion that it was a libel. The epithets were most abusive and derogatory. Could he be ignorant that he was traducing and vilifying the queen? By a particular statute they were to judge whether the defendant was guilty. As a clergyman of the church of England, holding himself out as very loyal and desirous of the preservation of the state, he gave his opinion on the queen's guilt, left not the people to their own reflections, and thus he disturbed the peace. But it was for them to judge whether it was a libel or not. They were to lay out of their minds all other considerations, and even their own opinion respecting

the question of the queen's guilt or innocence. The only question was, whether the sermon tended to degrade the queen, and was published with intent to vilify her, and to break the peace. In his opinion it was a libel.

The jury retired for a quarter of an hour, and found a verdict of *Guilty*.

He was afterwards fined and imprisoned.

PHILIP HAYNES AND MARY CLARKE,

FOR THE MURDER OF MR. CLARKE, 1821.

At the Lent assizes for Northampton, on the 8th of March, 1821, Philip Haynes was indicted for the murder of Mr. John Clarke, of Charwel-house, Charwelton, Northamptonshire; and Mary Clarke, widow of the deceased, was also put to the bar, charged in the indictment with being an accessary to the said murder before the fact.

Anthony Marriott deposed, I am a labourer, living at Hellidon, near Charwell-house, and worked as labourer with Mr. Clarke at his decease. I saw him on Saturday, the 10th of February, against the cow-house door; he was then in good health, and not far from the hay-rick. I went into the barn to thrash, and was about to pull my clothes off to begin, when I heard the report of a gun, which appeared to me to come from without. I opened the door and ran out. I met smoke coming towards me from the west, between the barn and the hay-rick. I perceived my poor master with his left hand supported by his right. He was groaning, and the blood running very much. I laid hold of him and led him to the barn-door, in the road to the house. When we got to the barn-door, I requested him to stop, and then ran to look over the wall, but could not see any one. I returned to my master, who was bleeding very much, and was very faint, and took him to the house. Mrs. Clarke, the prisoner, met me in the yard with my master, and said, it was no more than she expected, times and often on account of stopping up the road. I got him into the house, and pulled his coat off. Mrs. Clarke assisted in tying up his arm. She then ordered me to go for Mr. Yeomans, the surgeon of Badby, distant about three miles, and the nearest surgeon. I saw my master two or three times before his death, which happened on the following Tuesday morning, about four o'clock. The shot was fired about half past three in the afternoon of Saturday.

When I went into the barn I found things were not as I had left

them. I found some loose barley scattered. I had swept it up the night before. I searched the barn on Monday morning about nine o'clock, and turned some loose barley back, and after getting down a good bit, I perceived something move. I trod on his feet, and having stirred the part with my fork, some one said, be civil and I will get up. It was the prisoner. I pushed the fork at him, and said, "you rascal, I have a good mind to stab you—you did not mind killing my master." We then tied his hands, and secured him. I asked my mistress on Saturday whether I should stop all night. She said, no, there was plenty.

John Plomer Clarke, Esq. I am a magistrate for this county, and went to the house of the deceased about ten o'clock in the morning of the 12th of February last; he was then very weak, but perfectly collected and sensible, and expressed his apprehensions that he should not recover. I took his deposition in his bed-chamber; his words were faintly spoken; I thought it better that he should not know that Haynes was in custody until he had signed the deposition—when signed, I told him Haynes had been taken; and on expressing his wish to see him, I ordered Haynes into the bed-chamber. Haynes came to the foot of the bed, and asked deceased, with great unconcern, how he did; the deceased looked at him, and with his remaining hand pointing towards him, said, "You bloody-minded fellow, how could you do me this unkind office?" Haynes replied, he had done nothing, and knew nothing about it.

Mr. Robert Canning. I went with Cockerill, Tubb, and others, to search the barn; I got, by means of a ladder, to the top of the barley-mow, and found a large hole, about seven feet deep and two yards wide, in the barley, by the side of the wall, next the rick-yard, and on the side next the hay-rick; I called Tubb and told him to go down into the hole and search it; I then called up Lomas, and went down to the hay-rick; they produced in a short time, a gun, a wallet, a wooden bottle, and a glass bottle; the gun appeared black in the pan, as if it had been used; I took them from Lomas to the bed-side of Mr. Clarke; after I had shewn them to him, I took them home, locked them up, and went to the magistrate. In the wallet were two pieces of bread one piece of cheese, and a piece of bacon: also a canvas bag or purse, in which was a tin powder flask, with some powder in it, several large slugs, and a quantity of large and small shot. On Sunday evening I set four men to watch the barn and premises, sent four or five men to the lodgings of the prisoner, and remained on the premises till nearly twelve on Sunday night, the next morning I ordered Noon, Marriott, and Samuel Tubb, to go on the mow and turn the barley over; they shortly after called to me; when I came I looked on the mow and found they had got the prisoner Haynes; I went up the ladder, tied a cord round his arms, and sent him to the house. I observed the eaves of the barn from the hay-stack, where I had placed myself, and directed a gun to be pointed out at me: there is a space at the top of the mow in the barn, under the rafter, at which a gun might be put out. I knelt down on the rick, as if cutting, in a part where the

hay had been recently cut, there was blood near it; the gun commanded me. On the Monday after the deceased was shot, on going into the house I met Mrs. Clarke, and asked her how she did; she made me no answer; I said, how is poor Clarke; she said, "I don't know, I have not seen him."

Mr. John Upton. I live at Badby, I searched Haynes on Monday, and found the pocket-book with the papers in it now produced, they have been in my custody ever since; the five pound forged note was also in it.

Mr. Richard Cole. I am one of the constables of Daventry; I went to the prisoner's lodgings, and found there a quantity of letters in a box; found also the bottle of laudanum now produced, in a box.

Robert Smith. I am a labourer, and worked with Mr. Clarke. I went for the doctor; whilst saddling the horse Mrs. Clarke came to me about a quarter of an hour after the accident; she said, when I was mounting, don't kill the horse,—when I came back, I was in the room assisting the surgeon. Mrs. Clarke was in the kitchen, I called for some cloths, for Mr. Clarke was vomiting; she said, "there were cloths enough, and we might take them." There were none in the room, and she did not come up stairs, we therefore took a sheet off the other bed.

Several other witnesses were examined, whose testimony tended to substantiate, in the most complete manner, the evidence here given in detail. These letters were numbered 1, 2, 8, 9, 11, 17, 24, 28, 29, 36, 40, 42, 44, 45, 46, 47, and the following extracts from them prove the nature of the guilty compact existing between the prisoners.

No. 1. "I have caught a cold in getting out of bed to do his shoulder. He has an inflammation, and I hope God Almighty will take him before it be long.

No. 2. "You must have another plan, for when he goes out again he means to bring some one with him—he has no thoughts of you—when the night grows dark you may *lit* on him, and get another pistol which will carry—he says the man that gave him the blow had a red striped waistcoat, and a short man—I pray, day and night, it may be done between now and Christmas.—I hope you will send word if you mean to watch again—I am sure it may be done."

No. 8. "I hope it will not be long—I hope you will watch all you can—I shall not see you till you have done it—I hope you will do it as soon as you can—do it safe."

No. 11. "I could be happy if the old —— was dead."

No. 17. "I hope you will watch him all you can, and do him, if you can."

No. 24. "The 10l. you change at Bonham's keep 1l. yourself, and send me the rest,"

No. 28. "Our shepherd is gone soldiering, and the old ——

shepherd's himself, now is your time to do him and settle him, if you intend to do it."

No. 29. "I cannot tell when he will go out any where—and I dare not let you come when he is here—when it is done, ****."

No. 30. "I wish you would contrive to do it, for it may as well be done first as last—and now he goes himself, you may do it better."

No. 40. "When they are a-field you must hide yourself, and do it—On Sunday he is in all day—I wish the —— would fetch him—I shall not come down to Byfield till you have done it, and settle the old ——. I dreamt that you and I were talking against the meadow-gate, and the old man came to us, and you ran after him and fired at him, and missed him—but when you do, you mind that and yourself—you must watch for him all day when you can, and do it—and mind yourself."

No. 42. "I tell you the old —— has seen Elkington; but he did not say he see you and I together—mind yourself."

No. 44. "I hope you will try all you can to get rid of the old —— now I must tell you, you don't mean to do it—so tell me from your heart, whether you mean to do it or not—for I will make away with myself if you don't do it."

No. 45. "If it is not done in a short time, I cannot see what will be the end of it—I wish you would do it as soon as you possibly can—It seems strange to me that it should be so long about—I must say I think you can't watch for him so much as you say—I am sure he has no will made no more than what I told you of."

No. 46. "I wish you would send me some *laudum* [laudanum] and I will see what I can do for him—I will do it if I can—send me that or something else."

No. 47. "I pray you to do all you can to get *shut* of him, for there is nobody knows what I go through, but God and myself.—I have thirteen calves and lambs to serve, and thirteen dozen of butter, but d——n him, do him if you can."

The above letters were generally addressed to the prisoner, Haynes, in terms of "my dear friend."

The prisoner Haynes being called upon for his defence, said he was innocent, and never had a gun, or any thing of the kind. The prisoner, Mary Clarke, said, she left her defence to her counsel.

After a short consultation, the jury returned a verdict of *Guilty* against both the prisoners.

Previous to their execution the culprits made confession of the crime for which they were to suffer, and narrated in detail the particulars of their proceedings for the accomplishment of their purpose. They acknowledged that a criminal intercourse had subsisted between them for nearly two years, and also that many schemes had been planned for the destruction of their victim; and the female prisoner acknowledged

having made repeated overtures to her paramour for the destruction of her husband, long before the deed was effected.

CARON, BERTON, BORIES, AND OTHERS,

FOR CONSPIRACIES IN FRANCE, 1822.

THE internal state of France during 1822 was far from tranquil. The unprincipled contempt of the charter, and the jesuitical evasions of its provisions, led to a succession of conspiracies. The commencement of the year was marked by a plot to seduce the garrison and occupy the town of Belfort, in Alsace. The conspiracy was to have taken effect on the 2d of January, when the tri-coloured cockade was to be mounted. The king's lieutenant having received information of the design, drew out, under arms, the battalion of the 29th regiment of the line, which formed the garrison of the place, and proceeded immediately to the barracks, to arrest an adjutant sub-officer, who was supposed to be the principal agent in this criminal intrigue. Persons of the name of Brue, Pegulu, Desbordes, and Delacombe, who had been concerned in the conspiracy of the 19th of August, 1820, were also arrested at the moment when they commenced their flight from the town. The guarding of these four prisoners was provisionally intrusted to the officer who commanded the neighbouring post; but, soon after, this officer himself fled with his prisoners. Three other officers subsequently disappeared. On arriving at one of the squares of the town, the king's lieutenant fell in with a numerous group of the disaffected, who dispersed on his approach, but from whom a pistol-shot was fired, which wounded him in the breast.

Nineteen of the suspected conspirators succeeded in making their escape, and were out-lawed; but upwards of twenty others, mostly under twenty-five years of age, consisting of officers, subalterns, and students of law and medicine, were brought to trial at Colmar, only in the month of July.

The indictment case began in the following manner.

Some parts of Europe have been tormented by a revolutionary exaltation, which secret societies nourish and propagate, by endeavouring chiefly to mislead the youth. These secret societies have been imported into France, and are come to soil this land of honour with their frightful oaths, their detestable plots, and their poniards—the arms worthy to second their projects. From their bosom have issued numerous emissaries, who, traversing the kingdom, have sought everywhere for support, or rather accomplices. These emissaries formed ties, which united these secret and criminal associations, and by their intervention, all the correspondence took place. For some time Strasburgh, New Brisach, Mulhausen, and Belfort, saw men arriving without apparent aim or known affairs, some of whom traversed the surrounding country to recruit adherents, and to concert the attack. To facilitate the progress of revolt, they had, in the course of last December, spread in the country the most alarming intelligence; they endeavoured to mislead the people respecting the intentions of the government; they spoke not as formerly of tithes and feudal rights—this ridiculous bugbear was worn out; but bad faith endeavoured to replace the fears which it was calculated to inspire, by reports of increased taxation. Paris was the central point of direction. Their revolt was organized, to burst forth at the same time on different fixed points. Saumur was to give the signal: at Toulon and Marseilles agents were seized, at the moment when they were provoking to rebellion. In the west, Thouars, Nantes, and Rochelle; in the east, New Brisach and Strasburgh, were to support the rebels. Belfort had been chosen as the first point to occupy in this part of the kingdom. This fortress, shutting up the routes of the Vosges and of Franche Comte, the last point of defence on the side of Switzerland, might facilitate success or assure retreat in case of a reverse," &c.

Four of the prisoners, viz. Colonels Teillier, and Pailhes, and Guinand and Dublar, two officers of inferior rank, were found guilty, not of the capital charge, but of not revealing the existence of the conspiracy. They were condemned to imprisonment for five years, to a fine of 500 francs each, and to remain for five years under the special *surveillance* of the police.

A few days before the commencement of this trial in July, another attempt was made in the same quarter. Colonel Caron, and a veteran named Roger, formed the project of seducing the non-commissioned officers of the forty-sixth regiment of the line, the chasseurs of Allier, and the chasseurs of Charente.

The movement, which had been concerted, took place on the 2d of July. A squadron of horse chas-

seurs of the department of Allier, which Caron thought he had seduced, and in the ranks of which were two officers, disguised in the plain uniforms of chasseurs, set out from Colmar at five o'clock in the evening, under the command of the chief quarter-master Thiern. At the same time a squadron of horse chasseurs, from the department of Charente, in the midst of which marched as common chasseurs, a Captain Nicol, and four other officers, set out from New Brisach, under the command of quarter-master Gerard.

On the height of Hastall, Caron ordered his helmet, his sabre, and his uniform to be brought to him. Placing himself at the head of the squadron of Allier, he immediately took the command, and passed through Hastall and Roussach, crying, 'Vive l'Empereur!' The superior officers, who in disguise had accompanied the troops, soon however resumed the command; and the chasseurs entered Colmar with their prisoners bound.

Caron was subsequently condemned to death; Roger was acquitted.

Another plot was discovered at Toulon, and those who were engaged in it being brought to trial, a Captain Valle was found guilty and executed; while others, who did not stand in an equal degree of guilt, escaped with a lighter punishment. Similar attempts were made at Rochefort and Brest. At the latter place a fruitless attempt was made to seize the principal fort; and in the same night 200 of the garrison of Rochefort marched out, and took possession of Soubise, whence they displayed the tri-coloured flag, and dispatched emissaries to different parts of the kingdom.

In February, a plot was discovered and suppressed at Nantes: but of all the attempts, that of General Burton to surprise Saumur, and raise the standard of revolt in the south western districts, attracted the most notice. This conspiracy broke out on the 24th of February, in the departments of Deux-Sevres, and of Maine-et-Loire; the head quarters of it were the towns of Saumur, Thouars, and Parthenay. The leader of the enterprise was the ex-general Berton,

who, it was said, acted in concert with the members of a secret society, called the Society of the "Chevaliers de la Liberté, or Carbonari," formed for the purpose of overthrowing the faithless government of the king.

When the plot was considered sufficiently ripe, General Berton arrived at Saumur. He left Paris in the beginning of January, pretending that his only object was to pay a visit to his son, a sub-lieutenant of dragoons in garrison at Pontivy; and proceeded directly to Brest, whither a Colonel Alix had previously repaired, in order, it was believed, to seduce the officers from the army, and to prepare them to assist General Berton in his enterprise. Alix left Brest on the 8th, was at Rennes on the 9th, and re-appeared suddenly at Brest on the 11th; and on the same day had a meeting with Berton, who left Brest on the 15th for Rennes. General Berton afterwards acknowledged that he learned in Rennes that the Chevaliers de la Liberté wished to make a movement *in favour of the charter*, that he yielded to the solicitations of several persons to place himself at their head, and that the object of the insurrection was, to take possession of the town of Saumur. The conspirators of Saumur sent to General Berton to come to them, and he arrived in that town on the 18th or 19th of February. General Berton proceeded thence to Thouars, where he had conferences with several of the accused conspirators.

At four in the morning, General Berton appeared in full uniform at the house of a person named Pombas, in Thouars. A number of persons, assembled there, were told, that the government of the king was overturned, that a provisional government was established, and that it was necessary to render themselves masters of the gendarmerie. One of the gendarmerie heard the bell ring at the door of the barracks. On his opening it, armed men rushed upon him and commanded silence; others went to the rooms of the different gensdarmes and compelled them to go down stairs. All the brigade were thus made prisoners. The tocsin was soon rung; the *generale* was beat; the curate was arrested in his bed by men who called

themselves soldiers of liberty; a judge of the tribunal of Bressure was arrested in the street, and a member of the municipal council, at the house of the mayoralty, whither the insurgents went to substitute the tri-coloured standard for the white flag. Horses and carriages were seized. The insurgents then proceeded to the house of an armourer, named Gaspy, and took possession of the arms they found there. Sentinels were placed at the gates of the town. Cries of "Vive la liberte!" "Vivent les peuples" were heard. A provisional government was stated to have been established at Paris, of which General Foy, Keratry, Voyer d'Argenson, the Marquis de Lafayette, and Benjamin Constant were said to be members.

Berton then proceeded to one of the public squares, where a person, named Heureux, who described himself as the deputy of the town of Nantes, read two proclamations. One was addressed to "The People." It announced the overthrow of the king's government, by which the purchases of national property would be secured, and the indirect contributions suppressed. The other was addressed to the army; it assured them that all France had risen, and promised them victory, honour, and promotion. These proclamations were received with mingled cries of "The Charter for ever —Napoleon II. for ever—The Republic for ever." The provisional government was then proclaimed, and the Marquis de Lafayette was declared generalissimo of the armies.

The conspirators of Saumur made preparations for receiving the column. The enemy had arrived at Montreuil, only three leagues distant, and yet the authorities of Saumur were ignorant of their approach. At three o'clock Berton and his patriotic band passed through Montreuil. Several emissaries came from Saumur to meet him, but in the meantime, the brigadier of the gendarmes of Montreuil had sent forward one of his men to Saumur, to give notice of the approach of the insurgents, and measures were taken to prevent his entering the town. The mayor of Saumur advanced about seven o'clock in the evening, accompanied by a single national guard, and sought General Berton, who addressing him, observed that

he had seen him in Paris, and that he had come in the name of liberty. The mayor replied, that he was a rebel, and a blockhead, and that he must retire. Berton, disconcerted, ordered Moreau to withdraw beyond the bridge. The bridge was evacuated, and the national guard began to form themselves in order of battle. The insurgents, on their part, blocked up the road with carriages, and established posts, in order that they might not be surprised by the troops of the town. Berton kept his position till midnight; when he ordered a retreat. But measures had already been taken for preventing his return. It was now necessary for the insurgents to disperse. Several of the chiefs fled. Berton wandered about in the department of the Deux-Sevres and la Charente-Inferieur; and was arrested about the middle of June.

Of the persons accused of being engaged in this conspiracy, eighteen escaped; and thirty-seven, besides Berton, were taken into custody. They were brought to trial before the court of assizes at Poictiers, on the 26th of August. The trial lasted till the middle of September; the result of it was, that Berton, Caffe, Sauge, H. Fradin, Senechault, and Jaglin, were sentenced to death. Alix was found guilty of the capital offence by seven of the jury to five; but the majority of the judges (as is usual in the case of so close a division) joined with the minority of the jury and declared his acquittal. Alix and all the others were found guilty of not revealing the plot, and sentenced to various terms of confinement, from five years to one year, and to fines of from 2000 to 30 francs.

Berton and Caffe, being members of the Legion of Honour, were solemnly degraded. They and Fradin and Senechault were ordered to be executed in the public square of Poictiers; Sauge and Jaglin in the village of Thouars. Berton suffered on the 6th of October, displaying to the last the utmost coolness; but Caffe inflicted on himself a deep wound in the femoral artery, of which he almost immediately expired. Fradin and Senechault had their sentence commuted into imprisonment, for twenty and fifteen years respectively.

Berton had given out, that he was acting in concert with the principal members of the left side, especially with Generals Lafayette and Foy, with Keratry, Constant, Voyer d'Argenson, and Demarçay; and accordingly, this allegation was included in the indictment. One of the conspirators, Grandmenil by name, who had given very full evidence with respect to the plot, *swore* positively, that Constant, Lafitte, Foy, and Lafayette, were accessary to the designs of Berton; and this deposition the public prosecutor was careful not to omit in the indictment, though Grandmenil had subsequently fled, so that he could not be adduced as a witness. The deputies thus accused, and the whole of their party, were furiously indignant at the opprobrium attempted to be thrown upon them; and as the indictment was published before the close of the session, motions were made in the chamber of deputies, but without success, for an inquiry into the conduct of the *procureur-general* of the royal court of Poictiers. In his address to the court, on the 5th of September (the 11th day of the trial,) he dwelt earnestly on the pretended connexion of Constant and Lafayette with Berton and his associates. A material fact, he observed, against the Marquis de Lafayette was the presentation to him of Baudrillet by Grandmenil. This, however, belonged to the second plot—"But I know it may be said by induction," said he, "that if Lafayette is an accomplice of the second plot, he is equally so of the first, because the elements of the two conspiracies are the same, and the principal agents are the same, namely—Berton and Grandmenil. But this is only a moral proof. Material proofs against the first instigators of the plot are wanting. Why? Not because they are innocent, but because they conceal themselves behind their Seydes—because they envelope themselves in mystery—because they correspond verbally—but the disclosures of their agents sometimes betray them."

The accusation called forth a defensive letter from B. Constant, in which, not satisfied with exculpating himself, he broke out into virulent abuse of his adversaries. The copies of it were immediately seized, and he was prosecuted before the tribunal of the

correctional police, for an alleged libel upon M. Mangin, the procureur-general, and also on the president of the royal court of Poictiers. All honourable men in France approved of his conduct, and all generous hearts sympathized with his feelings. But this sympathy did not, however, extend to the court; for he was found guilty, on the first count, of a libel on M. Mangin; and acquitted on the second, of libelling the president of the court and the bench, and the sentence passed on him, was a fine of 500 francs and a month's imprisonment.

Connected probably with the conspiracy of Berton, but wider in its ramifications, was the plot which was discovered at Rochelle on the 19th of March. The greater number of the persons engaged in it belonged to the forty-fifth regiment of the line; but it is said to have emanated from the Carbonari, and at Paris. Besides the Carbonari, there existed another association called the "Society of the Chevaliers of Liberty," in which noviciates were put to the test.

Such was the picture given by a solemn judicial record of the machinery of insurrection, pretended to be constantly at work; how much of fancy, or at least of exaggeration it may contain, it would be presumptuous to determine. The subsequent facts were better established. In 1821, the attention of the police of Paris was drawn to one of these pretended lodges, at the head of which, and indeed representing it in the supreme lodge, was a Parisian advocate of the name of one Bardère, of Paris, who in conjunction with one Abassis, captain in the forty-fifth regiment of the line, formed a plan to seduce that regiment from their allegiance through the instrumentality of the sub-officers. About twenty serjeants and corporals entered into the scheme and were initiated. The regiment having left Paris for Rochelle, Goupillon, one of the initiated, was seized with remorse, went to his colonel, the Marquis de Toustain, and confessed to him all he knew of the conspiracy.

The colonel immediately arrested twelve persons pointed out by this repentant conspirator: and others were taken into custody on the following days. In-

formation of the plot was transmitted to Paris, where Bardère and his supposed associates were forthwith committed to prison.

On the 21st of September, the accused were brought to trial before the assize court of Paris. Twelve of them, among whom was the advocate Bardère, were charged with having participated in a plot to destroy or change the government, or the order of succession to the throne, or to excite citizens to arm themselves against the royal authority: and thirteen others, with having concealed the plot for twenty-four hours after it came to their knowledge.

The following is a specimen of the procedure of French tribunals. On the third day of the trial of the conspirators of La Rochelle, they alleged, that an emissary of the prosecutor had, on the preceding day, been in communication with the witnesses. The president ordered the officer of the court to prevent this, but threatened, in his turn, that before the day was ended, it would be seen "who had been tampering with the witnesses."

Bories.—I challenge the prosecutor to prove this.

The *President.*—We do not say that the fact exists, but that we fear it, and that the proceedings will prove it.

After this affair was settled, the President proceeded to interrogate Gauran. This prisoner, a student of medicine by profession, denied all that Henon had said about him in his first examination, and affirmed with great warmth, that he never had been a member of a lodge of Carbonari.

President.—Answer with more composure.

Gauran.—I answer with firmness and innocence.

President.—You know much better than I, that you are a member of a club of Carbonari.

Gauran.—If you know better than I, I have nothing more to say: I sit down.

President.—A package of twenty-five cartridges was found at your house.

Gauran.—That is a present made me by one of my comrades. They were for firing with a pistol.

President.—But they are large enough for a musket.

Gauran.—I run them in a mould for the purpose of making pistol balls.

President.—The law of the Carbonari prescribes the possession of twenty-five cartridges, and this fact confirms the testimony of Henon.

Gauran.—You know what credit Henon deserves.

President.—Henon has retracted a part of his declarations, but

the jury will decide which of his depositions is most reconcilable with truth.

Here a long altercation took place between the accused, the prosecutor, and the president of the court, about the hardship to which the prisoner alleged he had been subjected after his first arrest. Raoulx, another of the prisoners, was then subjected to the ordeal of the president's fire. He boldly denied that he was a member of a Carbonari club, and averred that he was only the secretary of a philanthropic association.

President.—But the poniards——

The Accused.—They were merely mystic symbols bought at an old clothes' shop.

President.—In your first declaration you often spoke of a plot among the Carbonari?

Raoulx (with warmth).—I never spoke of a plot; it is a falsehood.

President.—Your declarations were read to you, and you did not efface that word?

Raoulx.—They were not read to me.

President.—I know too well the judges of first instance, to believe that they will not do their duty.

After the president had interrogated others of the prisoners, Pereton, one of them, retracted the declarations which he made on his apprehension at Rochelle, saying he uttered them in hopes of his liberation.

President.—Pereton, you expected promotion from General Berton.

Pereton.—No, Sir.

Bories.—No promotion was promised to any one.

President.—Several of the accused say, that they were promised promotion. One of them even said, that he saw a captain's commission signed.

Three days were spent in altercations between the judge and the prisoners, concerning the effect of their former depositions—in attempts to puzzle or entangle on the one hand, and in the exercise of an unscrupulous ingenuity on the other. Fifty-two witnesses were afterwards examined. The trial was not finished till the 5th of November. The result of it was, that four were condemned to death; three to two years' imprisonment; one to three years; and three to five years. One was placed under the superintendence of the police for fifteen years. Thirteen were acquitted. The fate of Bories, Goubin, Raoulx, and Pomier, sentenced to death, excited an extraordinary interest. Several advocates embraced and wept over them in the open court. The four condemned criminals at the allotted time, suffered the sentence of the law in the *Place de Grève*, with unshrinking constancy.

During, and after these politicial trials, the public attention was drawn to great numbers of prosecutions, instituted by the authorities against various publications, for offences against the law of the press. In most of the cases convictions were obtained; and there were few instances of acquittals. In one day, the correctional tribunal condemned MM. Jouy, Arnault, Jal Emmanuel Depaty, Gosse, and Cauchois Lemaire, authors of the 'Miroir des Spectacles,' and Lepage, editor of the 'Courier des Spectacles,' to two months' imprisonment and a fine of 500 francs each, for covertly publishing politicial articles in their journals without the royal authority and the requisite securities. In other words, their offence consisted in deviating into a joke, good or bad, with a political tendency, in works which, from their announcement and the mode of their registry, professed to be devoted to the drama or to literature. Foreign journals favourable to the liberal party, were excluded from the kingdom; and provincial printers were punished for putting their names to election addresses, which were supposed to contain insinuations in favour of the charter.

JAMES STUART, ESQ.

FOR MURDER,

1822.

On the 26th of March, 1822, a meeting took place at Auchtetool, near Balmuto, in Fifeshire, between sir Alexander Boswell of Auchinleck, bart. and James Stuart, esq. of Dunearn. Sir Alexander was attended by the hon. John Douglas, brother of the marquis of Queensbury; and Mr. Stewart by the earl of Rosslyn. The ball of Mr. Stuart struck sir Alexander in the shoulder, shattered the shoulder-blade, and was supposed to have entered the spine, as his limbs were quite paralysed. Sir Alexander was carried to Balmuto house, where he expired, The cause of this duel was a song which appeared in a Glasgow paper, entitled the "*Sentinel*," on the 26th of December, which Mr. Stuart ascertained to have been written by sir Alexander.

Mr. Stuart was accordingly tried before the High Court of Justiciary, for the murder of Sir Alexander Boswell, to which he pleaded *"Not Guilty."*

The EARL OF ROSSLYN being called, deposed as follows.

On the 25th of March last, he called on Sir A. Boswell, and told him, he had come at the desire of Mr. Stuart; and that Mr. Stuart had in his possession, certain papers, some of which appeared to be in Sir Alexander's hand-writing, and bore the post-mark of Mauchlin, and the counter post-mark of Glasgow. Some of them purported to be originals of papers published in the Glasgow Sentinel, and one of them particularly (a song), contained allusions disrespectful to Mr. Stuart's family, and charged Mr. Stuart with cowardice. Among the papers there was a letter to the editor of the Sentinel, signed A. Boswell, containing some praise of the song, and other papers reflecting on Mr. Stuart, which were in the same hand-writing with the letter which bore Sir Alexander's signature. The similarity of the hand-writing and of the post-mark, furnished so strong a presumption that Sir Alexander was the author, that he thought it proper to ask Sir Alexander, if he was the author, or if he had sent them to the newspaper, stating at the same time, that if Sir Alexander could say that he was not the author, and had not sent them to the newspaper, that would be conclusive, notwithstanding any evidence to the contrary,

Sir Alexander said, that this was a delicate affair, and he thought he ought to have a friend present. Witness said, he thought it very desirable. Sir Alexander went away, and returned with Mr. Douglas, when witness repeated what he had previously said. Sir Alexander and Mr. Douglas desired to confer together, Witness went away, and when he returned, found Mr. Douglas alone. Mr. Douglas then said, that he could not advise Sir Alexander to give any answer; that Mr. Stuart was in possession of the evidence, on which this application rested; but if this affair should proceed any further, there were two proposals which he had to make:—1. That no meeting should take place within fourteen days, because Sir Alexander had some family business to dispose of. 2. That the meeting, if any, should take place on the continent. Witness had no hesitation in replying, that on these conditions he thought the terms were such, as would be agreed to. He had copies of the manuscripts and papers in his hand, when he called on Sir Alexander. He had a song and a paper signed "Ignotus." He thought the song of far the greater importance, because it contained two direct imputations of cowardice. He considered Mr. Stuart's character implicated by those papers (which, being shewn to the witness, he identified in court.) Mr. Douglas said, he would not advise Sir Alexander to make any answer at all. Witness afterwards saw Mr. Stuart, and proceeded immediately to Mr. Douglas, and stated that witness was grieved that no alternative was left to Mr. Stuart; that Mr. Stuart agreed to both the conditions stated by Mr. Douglas, namely, the delay of fourteen days, and that the meeting should

be upon the continent. It was agreed that all subsequent arrangements respecting the meeting on the continent should be settled when all the parties were in London. Witness then asked Mr. Douglas, if there was any possibility of not carrying this affair any further —that Mr. Stuart would be content to treat the song as a very bad joke on his part, provided Sir Alexander would say, that he did not intend any reflection on Mr. Stuart's courage. Mr. Douglas said, he had no hope that Sir Alexander would say any such thing. Witness left Mr. Douglas to return to Fife, in the conviction that every thing was finally settled. The boat was ready, but before he embarked, he was accosted by Mr. Douglas, who said Sir Alexander had taken the advice of a legal friend, and, in consequence, thought it no longer necessary to go to the continent, and that he preferred to have the meeting in Scotland. Witness objected to that; after some discussion, Mr. Douglas returned to Edinburgh, saying at parting, that at any rate, if the meeting took place in France, and Mr. Stuart fell, Sir Alexander could not be hanged for it. Mr. Brougham called on witness next morning, at about from a quarter to eight to half-past eight, and stated, that Sir Alexander had been bound over by the sheriff of Edinburgh to keep the peace, and that it had been settled that Sir Alexander and Mr. Stuart should meet at Auchertool that morning, and requested witness to meet Mr. Stuart, which he did. He went there, and had some conversation, and fixed on a piece of ground near the road side. Mr. Stuart and Sir Alexander arrived in carriages, and got out at the place they had fixed upon, he believed at ten o'clock. The pistols were produced by Mr. Douglas and witness, Mr. Douglas sitting down, and witness standing; Mr. Douglas received from witness, the measure of powder for each pistol, and the ball, and rammed them down. There were but two pistols, of which Mr. Douglas took one, and witness the other. The ground was measured, twelve very long paces. The pistols were delivered to the two parties respectively, one by Mr. Douglas, and one by witness; and it was agreed that they should fire by a word. Mr. Douglas looked upon him (witness) to give the word, which he did, and they fired. Sir Alexander fell. Mr. Stuart advanced with great anxiety towards Sir Alexander; but witness hurried Mr. Stuart away. Those who remained, together with witness, lent their assistance to convey Sir Alexander to Balmuto. Before any thing took place on the ground, Mr. Stuart asked witness, if it was not fit that he should make a bow to Sir Alexander, and express his wish for a reconciliation. Witness thought it right. Mr. Stuart advanced towards Sir Alexander, apparently for that purpose; Sir Alexander's back was then turned, and he appeared to be walking away from Mr. Stuart.

Mr. *Douglas*, after stating the previous circumstances which had been mentioned by lord Rosslyn, described the arrival of the parties on the ground. Witness advised lord Rosslyn not to pass through the village, lest he should be known. Lord Rosslyn went another road, and was first on the ground. The ground was approved of by all parties. Witness asked lord Rosslyn, if he thought there was any chance of an amicable arrangement. Lord Rosslyn said, he feared not. Lord Rosslyn measured off the

ground. Witness desired Dr. Wood not to stand so near:" he replied, "he wished to be near, lest Sir Alexander might die, before he could come up to his assistance." The parties having taken their positions, lord Rosslyn proposed that witness should give the word of command; witness said, he wished lord Rosslyn to do it, which his lordship did. On their way to the ground, Sir Alexander consulted witness as to firing in the air or not. Witness said, he (Sir Alexander) must consult his own feelings on that subject. Sir Alexander said, he had perhaps, in an unhappy moment, injured Mr. Stuart, and therefore he should fire in the air. Witness said, that was exactly his own opinion. On the field, he did not notice how Sir Alexander fired, as he felt that Mr. Stuart was in no danger, but he kept his eye on Mr. Stuart. Saw him raise his arm, which appeared firm and nervous, but he could not tell the direction exactly in which it pointed. Both fired: there was just a difference between the time of the two reports. Mr. Stuart's was rather first. Sir Alexander fell. Assistance was immediately procured for him. Mr. Stuart approached, and witness advised him to flee. The only words which Sir Alexander said to witness then, were, that he regretted he had not made his fire in the air more decided than it had been. Sir Alexander's wound was not dressed on the field, but at Balmuto-house, whither he was immediately conveyed.

Mr. Wm. Spalding, writer,

Recollected in the month of March last, going with Mr. Stuart to Glasgow. Mr. Henderson, writer in Hamilton, acompanied them. Witness called at Mr. Stuart's house, and there, for the first time, learned that Mr. Henderson was to accompany them. The object of their journey was, to liberate Mr. Borthwick from prison. They arrived at Glasgow about eleven o'clock on that (Saturday) night. Mr. Henderson went to the gaol the same night; but Mr. Borthwick was not liberated that night. Witness was private agent to Mr. Borthwick. They had an interview with Mr. Borthwick in the gaol, on Sunday evening; and it was there agreed, that Mr. Borthwick should go and procure certain manuscripts from the Sentinel office, with a view of raising actions of relief against certain gentlemen of the county of Lanark. Mr. Stuart was present only a part of the time during this interview. Cannot tell whether he was present, when the proposal for taking the manuscripts from the Sentinel office was made. Mr. Henderson was present. The next morning Mr. Borthwick went to the office, and sent certain MSS. by a man named Robinson, to the Tontine-inn, where they were examined by Mr. Stuart, Mr. Henderson, and himself. Mr. Borthwick did not arrive till after the MSS. were examined. Mr. Henderson knew Sir Alexander's hand-writing, and all the papers written by Sir Alexander were laid apart from the rest. The MSS. now shown witness, were those which were selected from the others. It was witness who gave up the MSS. to Mr. Stuart.

The following witnesses were called for the defence:

Mr. Henderson, writer in Hamilton, knew Mr. Borthwick, and knew that he had been editor of the Clydesdale Journal. Witness applied to a person to introdnce him to Mr. Stuart. His object was to get Mr. Stuart to forego an action of damages which he had brought against Borthwick, and for that purpose witness described the manner in which Borthwick had been imprisoned. Mr. Stuart replied, that he could make no promises; that he was convinced Borthwick was not the author of the libels upon him; and if Borthwick would give up the authors, the action should be discontinued. Witness said, that Borthwick had often expressed his wish to be introduced to Mr. Stuart, and his readiness to give up the authors, provided he were freed from the action of damages.

Borthwick, when liberated, went to the office, accompanied by witness's clerk, and one Louden Robinson (formerly a journeyman in his employ), as witnesses. Robinson shortly afterwards returned with a bundle of manuscripts of newspapers. Mr. Borthwick came some time after, and said he had been prevented from examining the papers at the office, on accounnt of the violence of Sir Alexander. The hand-writing of Sir Alexander Boswell was not discovered until all the hand-writings had been assorted in different parcels. Borthwick said, it was the hand-writing of one Sir A. Oswald, as he called him; but he said there was a letter from the gentleman himself among the papers. This letter was found, and Mr. Stuart expressed much surprise and astonishment at the discovery: he said, he never could have suspected Sir A. Boswell of attempting to injure him.

James Gibson, of Islington, esq., W. S. knows Mr. Stuart and Mr. Aiton. Has seen a great many articles in the Beacon and Sentinel, which they considered extremely offensive to lord Archibald Hamilton, Mr. Stuart, and himself. Has often consulted with Mr. Stuart on the means of detecting the author. Mr. Aiton is the agent for lord Archibald Hamilton. Recollects the article respecting Mr. Stuart, which appeared in the first number of the Sentinel: considers it a most atrocious libel. Was informed of the whole transaction respecting Borthwick's imprisonment, and told Mr. Stuart, that he (witness) would pay the debt for which Borthwick was imprisoned, rather than he disappointed of the papers; and he was apprehensive from what he had heard of the character of Sir Alexander, that he would not scruple taking any measures to get possession of and destroy them. He recommended to Mr. Stuart not to lose a moment in obtaining the papers, but his only reason for recommending haste was, lest Alexander should destroy them. Mr. Stuart had never hinted a suspicion that Sir A. Boswell was the author of any of the attacks upon him, and expressed his astonishment when, on returning from Glasgow, he acquainted witness with the discovery. Witness was aware that a duel was fought between Mr. Stuart and the late Sir A. Boswell, on the 26th of March last. Saw Mr. Stuart the evening before. Mr. Stuart then acquainted him that the meeting was to take place three days afterwards. Mr. Stuart then appeared perfectly calm and collected, but expressed no other motive for his conduct, than a desire to vindicate his character; he did not appear to be actuated by the least vindictiveness against Sir Alexander.

Many witnesses concurred in describing Mr. Stuart as a most humane and amiable man.

The *Lord Justice Clerk* charged the jury, who, without leaving the box, returned an unanimous verdict by their chancellor, Sir John Hope, finding Mr. Stuart *Not Guilty* of the charges libelled.

PERCY JOCELYN, BISHOP OF CLOGHER,

FOR SODOMY, 1822.

On the evening of July 19, the Hon. and Rev. Percy Jocelyn, Bishop of Clogher, was detected, in a back room of the White Lion public-house, in St. Alban's Place, St. James's, in a situation, with a private in the foot-guards, which led to his instant apprehension and removal with his companion to the watch-house. There were seven witnesses to the fact; and it would seem that the reverend prelate with difficulty escaped the vengeance of the populace, who, if not prevented by the peace-officers, would have sacrificed him to their indignation on the spot. On being secured in the watch-house he offered bail to any amount for his liberation; this was refused, and he remained locked up in a cell during the night. In the morning they were conveyed to Marlborough-street office.

The presiding magistrate determined on a private examination, at which Mr. Alley, who attended for the bishop, was present. The witnesses were called in separately; but their testimony was in all respects consistent, and the case established was, to a certain extent, of the clearest nature. It was, however, submitted, that as the capital charge had not been borne out, the bishop was entitled to bail; and the wretched offender was permitted, in the course of the day, to go at large upon finding sureties to the amount of one thousand pounds, but the soldier was committed to take his trial. Some days afterwards he too was bailed.

The bishop fled to the continent, forfeiting his recognizances, but the soldier was brought to trial, con-

victed, and imprisoned. The cause of the bishop, with a view to his degradation, came on however in the Metropolitan Court of Armagh, Oct. 21, 1822.

The Bishop of Clogher having been thrice called in open court, did not appear; and in pain of his contumacy and contempt, the cause was proceeded in to a hearing and to its final determination.

Sir Henry Meredyth, the leading advocate for the office, stated the case. The Bishop of Clogher, said he, is an ecclesiastic, and as such subject to the laws of the church. The canons of the church are referred to in the pleadings, and particularly the 42nd of those canons, by which he was and is bound as the law of his conduct and adoption. That canon particularly prohibits the commission of those offences of which he stands charged, under the heaviest penalties of the law; and it is for the violation of that canon, and under its authority, that the cause of deprivation is now proceeded in against him. The particular facts, which constitute that offence, are fully detailed in the pleading and written evidence. That evidence is now permanent and recorded; and it fully evinced the existence of these evil habits and propensities* in that unhappy man, with which he then stood charged, and which formed the foundation of that sentence which was to be pronounced against him. It also proved the fatal and depraved purposes for which he associated himself with a private soldier, wholly beneath him in rank and station, as the unworthy and vicious partner of his depravity and guilt. The place chosen by him for that base purpose was also unfitted to him as a prelate of the church, and a man of high rank and station; it was a common alehouse, situate in St. Alban's-place, in the city of Westminster.

In his career of vice he was fortunately, nay, providentially stopped, before he had perpetrated the last foul act, or crime, which he himself designed; and by which, if committed, his life would have been forfeited to the offended laws of his country. Being

* It appeared that he had been charged with the same offence in Dublin a few years since, but had the hardihood to prosecute the accuser for calumny, and got him publicly whipped and ruined.

found by the watchman and others in a situation disgraceful and degrading to him, he was made a prisoner, in order to be removed to the watch-house of the district. He endeavoured, but in vain, to dissuade them from their purpose. On his removal, and close to that public-house in which he had been detected and arrested, he was seen and recognized by a respectable gentleman of Ireland, who, from his previous knowledge of his dress, person, and appearance, proved his identity. He had upon him at the time his usual and proper dress as a bishop or dignitary of the church.

There was no disguise or concealment upon his person or appearance. That circumstance had created an early suspicion and observance of him and his actions on that night, and contributed, with many other circumstances proved in this cause, to the establishment of his identity, which, under other circumstances, might have been difficult of attainment and of proof. Upon his arrival at the watch-house, the bishop and his associate were brought together into the presence of the constable of the watch—a Mr. John Lachford. The bishop had then to meet and see those persons who, he knew, could and did depose against him; in his presence and hearing, and in that of his associate, the full particulars of their crime were disclosed and detailed; he did not and could not deny their truth; his name and address were asked of him by Latchford, when he positively declined and refused to give them. That refusal, under its circumstances, was natural; the constable, however, had a duty to perform, and after the refusal, and in order to obtain some information as to that person who was thus heavily accused, and yet appeared to be, and was in the habit of a dignified clergyman, he thought it necessary to examine the bishop's person. He then approached to him, the bishop at that moment bearing upon his person strong evidence of his guilt, and by his acts and expressions fully admitting it; during the search the bishop was observed by Latchford to take from his pocket a paper writing, to tear it with violence, and hastily throw the pieces or fragments of it when torn, into the fire-place of the room. This

circumstance attracted the attention of Latchford; he did not then observe upon it; he knew that there was no fire in the grate nor any other paper in it. The bishop was shortly afterwards removed to a cell, or place of solitary confinement within the watch-house. Shortly after his removal he was heard by Latchford to cry with a loud voice, "could he not get bail?" and no reply being given, he asked for pen, ink, and paper, in order that he might write a note or letter. The pen, ink, and paper, were furnished to him by the directions of Latchford, and with a view that he might be thereby enabled to obtain some knowledge of the bishop's name and address, which were still unknown to him. The note was written by the bishop, and by his desire it was delivered to Latchford, in order that it might be sent to the person and place to whom and where it was directed. Latchford retained the note. It was not his business to admit the bishop to bail—he could not do so. The bishop, in an anxious and importunate manner, requested and urged Latchford to send the note as directed. Latchford informed him he did not and could not send it. The bishop again and again called on him and pressed him to do so, and, in an earnest and supplicating tone of voice, cried out, and said, "For God's sake send it;" but Latchford retained the note, and it is now in evidence before the court. That note has been exhibited to many persons now resident in Ireland, who have been for many years acquainted with the bishop and his hand-writing. They have been examined in this cause, and they have all agreed in their evidence of this note being of the hand-writing of the bishop, and that the initials P. C., subscribed to it, denote his christian name and title of honour. The note is in the following words:—

"*St. James's watch-house, Pine-street,*

"John;—Come to me directly, don't say who I am, but I am undone. Come instantly, and inquire for a gentleman below stairs, twelve o'clock—I am totally undone.

"P. C."

During the remainder of this unhappy night, this lost and degraded man was intent upon and engaged in prayer. His supplications and ejaculations throughout the night were loud and unceasing. He was visit-

ed occasionally by Latchford in the cell, and he was found at all such times upon his knees, in a posture of devout prayer and devotion. After the removal of the bishop to his cell, Latchford collected the fragments or pieces of the torn paper; and then joined or pasted them together, so as to make the writing perfect and legible. He preserved it carefully, and also the note which had been written by the bishop, and retained both of them until the occasion on which they were afterwards shown to the bishop. On the following day, the 20th of July, the bishop was removed in custody to the police-office of the district of St. James's, Westminster, and brought before Mr. Dyer, the sitting magistrate. In the presence and hearing of the bishop and the soldier, the several persons, who had charged them with their offences, were severally and apart, and upon their oaths, examined. It was *viva voce* examination. The bishop was then professionally assisted. The witnesses deposed to and detailed the same facts against him, which they had stated in the watch-house, and now in their sworn evidence in this cause. The bishop did not contradict, or deny, the truth of these charges. He was particularly called on and required by the magistrate to attend to him, while, in order to give a further opportunity for denial or defence, he read to him and to the soldier, a private and short note of these examinations, which he had taken for his own information and guidance; but the bishop and soldier remained silent—they sought not any evidence, they relied not on any facts for their acquittal, or proof of their innocence. The bishop appeared before the magistrate and his chief clerk, Mr. Fitzpatrick (a principal witness to this transaction,) in the dress of a dignified clergyman. The letter, which the bishop had torn and endeavoured to destroy the preceding night, was then produced by Mr. Latchford, and given to Mr. Dyer, who read it. It was of a private nature. The bishop, by himself and his counsel, claimed that letter as his own, and, at his request, it was given to him. Immediately upon getting possession of it the bishop, in the presence of Mr. Dyer, his clerk, of Latchford, and of his own counsel, tore and destroyed

that letter, so that no fragment could have been saved, or can be now produced in evidence. That letter was addressed to the Bishop of Clogher, and bore the signature and subscription of his much-respected nephew the Earl of Roden. The note, which had been written by the bishop in the cell, was then produced and read before him by the magistrate. The circumstances, under which it had been written and detained, were fully detailed by Latchford, and admitted by the bishop.

He was then informed by the magistrate that his offence was bailable, and that bail to the amount of 500l. himself, and two sureties in 250l. each, would be required for his appearance at the next Clerkenwell sessions, to take his trial for the offences then imputed to, and sworn against him. His bail were in attendance. He was then called on by Mr. Fitzpatrick, as chief clerk of the office, to give him his name and address, in order to perfect his bail. The bishop hesitated, and for a time refused. He was then informed, and in the presence and hearing of his intended bail, that it was necessary for him to give his true name and address; and that without it his bail could not be effected, or himself discharged. He then, of himself, and in the presence and hearing of the magistrate, his clerk, and Latchford, freely and voluntarily declared that he was the Honourable and Right Reverend Percy Jocelyn, Bishop of Clogher, in Ireland; and that he was then residing, or lodging, at 21, Montague-street, Portman-square, the house to which his note of the preceding night had been directed. His bail were then, and in his presence and hearing, duly sworn to their qualifications, their names and residences; one of them was a Mr. Fay, 21, Montague-street, in which house the Bishop of Clogher had previously, in his presence and hearing, declared he was a lodger. The bail was then perfected, according to the course of the office, and the bishop was accordingly discharged, and retired.

The Clerkenwell sessions commenced on the 9th of September, but the bishop did not attend to take his trial, pursuant to his recognizance.

The 1st Document—That the Bishop of Clogher was in holy orders, and been held and reputed to be so for twenty years past; that twenty years ago he held a rectory, and performed the duties thereof.

2nd Document was the attested copy of impugnant's promotion to the see of Ferns, bearing date the 26th of August, 1809.

3rd Document was the evidence of his consecration to that see in Christ Church, Dublin, by the then metropolitan of that archdiocese.

4th Document was the evidence of his installation and enthronement in the cathedral of Ferns, in September, 1809.

5th Document was the attested copy of his translation to the see of Clogher.

6th Document was his installation and enthronement in the Cathedral of Clogher.

7th Document was the attested copy of the late primate's patent.

8th Document was the impugnant's admission of canonical obedience to the late primate, as his metropolitan, bearing date October, 1820.

9th Document afforded proofs that the late primate acted as such.

10th Document was the oath of canonical obedience sworn by impugnant to the late primate, as his metropolitan.

11th Document was the proof of the late primate's triennial visitation at Monaghan, in and for the diocese of Clogher, in August, 1820, and of the Bishop of Clogher having attended there as the suffragan bishop of that diocese.

12th Document afforded a proof of the impugnant having left the palace of Clogher in July last, and never since returned thither.

13th Document was of considerable length, and went to establish the criminality of the impugnant when in London on the 19th of last July, in association with John Moverly, a private soldier in the 1st regiment of guards, in the public-house of Edward Lee, situate in St. Alban's-place, in the city of Westminster, and county of Middlesex; and the articles contained were supported by the testimony of James Clark, watchman; John Plant, shoemaker; Robert Gleeson and Robert Glegg, watchmen.

14th Document was the evidence of John Latchford, the constable of the watch, to prove the note written by the Bishop of Clogher, in the watch-house cell; and the proof of the handwriting to be that of the impugnant, was testified by the Rev. Mr. Story and Mr. Patrickson.

15th Document proved, that the Earl of Roden is nephew to the Hon. Percy Jocelyn.

16th Document, proved by Mr. Michael Fitzpatrick, clerk to the sitting magistrate, Mr. Dyer, was the arrest and bailing of the impugnant, and his acknowledgement at that time of his name and dignity, and place of residence in London.

17th Document proved the auction of furniture, &c. at Clogher, on the 16th of last September, and subsequent days.

18th Document proved by Hugh Lyle, of Oaks, in the county

of Londonderry, esq., that the person arrested in London was the then Lord Bishop of Clogher.

Other documents were also read as to identity, and to show that the libel charged occurred in the county of Middlesex.—The libel contained fifty-four articles.

His grace the Lord Primate, after some conference with his brethren, requested that the court should be cleared. Sir Henry Meredyth, before he retired, tendered to his grace a written sentence for his perusal and approval, referring to, and founded upon the evidence in the cause; this his grace received. His grace and brethren remained for some time in conference. It was then announced that the court was opened, and that the attendance of the advocates and proctor of office was expected. They accordingly attended; and thereupon his grace the Lord Primate, in the presence and hearing of his brethren the lords bishops, of his vicar-general, and of other distinguished personages, rose from his seat, and, the entire of the auditory then standing, and the Bishop of Clogher being again thrice called, but not appearing, his grace proceeded to read the sentence in open court. When he had finished it, he signed it in open court, and directed it to be lodged in the registry of his diocese; where it now remains a record of these important proceedings, and of their perfect consummation by the absolute deprivation and deposition of Dr. Percy Jocelyn from the Bishopric of Clogher, and from his episcopal order and authorities.

DANIEL DOODY, JOHN CUSSEN, JAMES LEAHY, MAURICE LEAHY, WILLIAM DOODY, DAVID LEAHY, AND DAVID RIEDY, 1822,

FOR THE ABDUCTION OF MISS GOOLD,

At the Limerick Assizes.

THE prisoners were charged with having, on the 4th of March, at Glangurt, in the county of Cork, aided

and assisted in forcibly carrying away Miss Honorah Goold, and to compel her to marry one Browne.

Miss *Honorah Goold*, a young lady of delicate figure, was then sworn.

She deposed to having lived with her mother in the county of Cork, in the month of March last; is now about sixteen years old; recollects Monday night, the 4th of March; a party came to her mother's house on that night; four persons came into her bed-room; she was in bed at the time; would know some of the persons if she saw them. She immediately, and without hesitation, identified John Walsh (who pleaded by the name of John Cussen,) and Daniel Doody. The persons who had come into her room asked "whether she was the oldest?" to which she replied, "No." She was advised by those very persons not to feel alarmed, as it was not her they looked for; they proceeded down stairs, but returned in a few minutes, and again put the former question, "was she the elder?" answering it themselves, by saying "she was;" they desired her to get up; one of the party (Cussen) said to the rest, "come out of the room, and allow her to dress herself." After she was dressed in her usual way, one of the party came in and took her up in his arms, and carried her out and placed her before a man named Browne, who was on horseback; it was John Cussen (Walsh) who did so; never saw Browne before that night; they rode to the house of Browne's father, Daniel Browne; this took place entirely against her will; it was very dark; could not tell the hour; there were twelve persons in the party, and all on horseback; when they came near the house, the door was opened, and a pillion was brought out and put on the horse; she entreated Browne, "For God's sake to let her go." He replied "he would not." She was then seated on the pillion, a man's loose coat was put around her, as she had brought no cloak; they rode off, and Browne continued before her on horseback, and arrived at Freemount, where they stopped for refreshment, but there was none to be had. The party were travelling the entire night, during which she frequently fell from the horse; they arrived at a public-house, Browne still continuing before her, but she could not tell the landlord's name; the woman of the house heard her cry, and asked her name, for which Guerin, one of the party, was going to strike the woman; five came to the public-house with Browne; the two in the dock, whom she had identified, were of that number; they proceeded thence to another house, David Leahy's sen., whom she also identified; this was on Tuesday morning the 5th; Cussen and Doody, the prisoners, came there also; she was put by the kitchen fire; James Leahy (whom she identified in the dock,) who was there, told her not to cry, that she ought to feel glad it was no blackguard had taken her away, that he was a gentleman and a man of education. She replied "that she would never consent to marry him." She was next taken into another room, by whom she could not tell. Leahy's wife and a girl named Cahill were there at the time. She asked Mrs. Leahy leave to sleep with her. Browne, and James Leahy, who told her not to

cry, came into the same room, and breakfast was got ready. David Leahy, the father, his wife, James the son, Browne, and Mary Cahill sat down to breakfast. They pressed her to take some tea. When breakfast was over, the whole party retired, leaving her and Browne alone. Browne drew his chair to her's when she rose and ran to the door. Browne interrupted her. He then proceeded to force off her clothes, when she screamed out "Help, and save me!" He then wanted her to go to bed, and threatened to expose her to those outside, and * *

In this dwelling she stopped until Thursday, but in the interval was taken on Wednesday night to an adjacent cabin, and brought back on Thursday morning to Leahy's. She stopped until three o'clock on Thursday. David Leahy, junior, accompanied her to the cabin; she was next removed to the house of Maurice Leahy, Browne being with her and David Leahy. This was also against her will. It was the distance of two miles from David Leahy's; she slept that night at M. Leahy's; Browne slept with her; she stopped there a day and a night; saw Leahy's wife there, and also a man named Connell; she was next removed to Lane's house, Browne going with her, accompanied by the prisoner, M. Leahy, and a servant man: she was next removed to Mahony's house, Browne still going with her, accompanied by Maurice and James Leahy; she declared upon her oath, that these removals were against her will; she stopped a day and night in the latter place, and was next taken on Sunday to David Leahy's, the first place where she had been abused; James Leahy, Browne, and another, accompanied her, and stopped there until Tuesday night; this was the 12th of March; she was next removed to a cabin, and on Wednesday morning brought back to David Leahy's; at twelve o'clock she was removed to another cabin, but did not sleep in the latter; was brought back to David Leahy's; remained there until ten o'clock, and at that hour was taken to the cabin in which she lay on Tuesday night; she declared on her oath, that these removals were entirely against her will and consent; from this cabin she was brought back to David Leahy's, and kept there until five o'clock; this was on Thursday, the 14th of March.

A paper was handed to Miss Goold for her inspection, purporting to have been written in her hand, by desire of James Leahy, the prisoner; it was, substantially, to certify, that Miss Goold had, of her own free will and consent, stopped at Leahy's house: Miss Goold said, the document was written by her, but it was under the influence of fear, and with the hope of being restored to her family; old David Leahy, James Leahy, and Browne, were present, when she wrote the certificate; she was three weeks altogether with Browne; she was also on the bare mountain; Daniel Riedy came to the cabin to her; Browne was not with her; she was taken by Riedy out to the mountain; the reason she was taken out was, that the army was about the place and near her; Riedy fired after the soldiers; Riedy delayed her on the mountain, and brought her back to the cabin, where Browne was before her; she was on the mountain half an hour; she was

taken to another man's cabin, belonging to one Leahy; Browne remained with her; young David Leahy and another went with her to the cabin; she was released on Sunday, the 24th of March; on many occasions, she saw with these men guns and pistols; none of those in the dock were so armed, except Riedy, who fired a pistol; she was finally left on the side of a road, in a cabin; it was the army who at length released her; when she was released, none of the party were with her.

William Connell.—Knows Maurice Leahy, one of the prisoners; was at his house in March last, in this county; saw Miss Goold there about three o'clock in the afternoon; heard from the family the preceding evening, that she was expected; James and David Leahy, the other two prisoners, came in shortly after her: on her arrival she was welcomed as "Miss Goold;" she cried and wept bitterly; witness told Maurice Leahy, the prisoner, it would be better to let him call the army, and restore the girl to her friends; it would be an act of honour. Maurice Leahy said to the witness—"Mind your own business: if you wish to stop here, do so long as you like; but don't talk so much;" this same evening Maurice Leahy prepared his own horse, got a pillion, and borrowed a horse for the use of Browne and Miss Goold; on leaving the house, witness called Maurice Leahy, and told Browne to use Miss Goold tenderly, as it would be the most judicious and likely way to gain her affections; Browne said the more hardships she endured the sooner would she comply; they said they were going to one Lane's with Miss Goold.

William Allen is a magistrate of the county of Cork, and went many nights in search for Miss Goold. He at length found her near Abbeyfeal, in a most pitiable and feeble condition, unable to walk, sit, or stand; so much so, that he was seventeen hours conveying her thirteen miles; he procured a cart for her conveyance, and also had her brought part of the way on a litter on men's shoulders; he went to Maurice Leahy's, and saw the last witness, William Connell there.

For the defence, witnesses were called, who deposed that they knew the Leathys to be respectable, correct characters; that great terror prevailed in the mountains; and that any one who did not obey the insurgents, was in imminent danger.

The learned judge commented upon the evidence to the jury; who, having retired for about ten minutes, returned a verdict of *guilty* against all the prisoners.

BRIDLE,
THE ILCHESTER GOALER,
FOR CRUELTY,
At the Somerset Assizes, 1822.

THIS case excited great public interest, because so many enormities are practised in gaols and the perpetrators generally escape with impunity. Mr. Henry Hunt, then confined at Ilchester, had the courage so to expose the abuses in this prison, as to render a commission necessary to examine on the spot; and the wantonness of power discovered on the part of some clerical magistrates, the gaoler, and his dependants, occasioned a prosecution by the attorney-general.

The information consisted of two distinct charges: the first charge alleged that, on the 18th of November, 1818, the defendant being keeper of Ilchester gaol, and maliciously intending to injure Mary Cuer, a prisoner under his charge, did, without sufficient or justifiable cause, confine the said Mary Cuer, she having an infant at her breast, in a cold and unwholesome cell; neglecting to supply her during that confinement with firing, or with the bread and water necessary for her sustenance.

The second charge alleged, that, on the 20th of November, 1820, the defendant, intending to injure one Thomas Gardner, also a prisoner in Ilchester gaol, put a blister upon his head and a strait waistcoat upon his body, confining him at the same time in a solitary cell.

Mary Cuer's case, which was at first sight calculated to affect the feelings more powerfully than the other, received a colouring from the witnesses. It appeared, that this woman, who had been committed, not for felony, but for bearing an illegitimate child, had quarrelled in a disorderly manner with some other female prisoner—that fuel was placed within her cell, but that she refused to have a fire lighted—that, according to the witnesses for the defence, it was said that her provisions were not confined to bread and water; of which latter article, likewise, though she complained of a de-

ficiency, there was enough within her reach, had she thought fit to apply for it. Of this charge therefore Bridle was acquitted.

The second act of unlawful severity rested on stronger grounds. Gardner was charged by Bridle with picking a fellow-prisoner's pocket, mulcted of his earnings, and confined in perfect solitude. While thus situated, he was further accused of refractory and troublesome conduct, having, as was alleged, stabbed a fellow prisoner in the knee. Bridle, meeting the apothecary in the prison, observed, that he had a troublesome man in confinement, and asked the apothecary, if he had a black dose; the latter replied in the negative, but added, "you may have a blister, and, as his head seems affected you may put it pretty high on the pole. Bridle accepted the offer, and the strait waistcoat was resorted to as a convenient appendage to the blister. Gardner, not having a hand at liberty, tore away the blister after several hours, by rubbing off his cap against the wall of the dungeon.

These atrocious facts stood uncontradicted by the evidence for the accused party, whose numerous witnesses confined themselves, for the most part, to attestations in support of Bridle's general character for mildness, indulgence, and humanity, in the execution of his office. Of these witnesses, some were liberated prisoners, who had been under the charge of Bridle, others were officers of the prison, and a far greater number were magistrates and gentlemen of the vicinity.

Bridle, however, had inflicted a punishment not authorized by law, and a verdict of "*Guilty*" was necessarily given against him, but accompanied by a recommendation to mercy. He was afterwards sentenced to pay a fine of fifty pounds.

THE MANCHESTER CAVALRY,

FOR WANTON OUTRAGE,

At Lancaster, April 4, 1822.

The outrage or massacre of a body of people, generally assembled to petition for a reform of parliament, em-

ployed the courts of law, in various shapes, for nearly two years. We have recorded the two chief cases, that at York, charging Hunt and the petitioners with conspiracy; and we now proceed to another, in which compensation for damages was sought against certain active members of the Manchester yeomanry, by a peaceable individual, who, among 400 or 500 others, had been cruelly wounded.

Thomas Redford plaintiff, *v.* Hugh Hornby Burley, Alexander Oliver, Richard Withington, and Edward Meagher, defendants.

The pleadings were opened by Mr. *Joshua Evans.*

The declaration in the first count stated, that the defendants, on the 16th day of August, 1819, assaulted the plaintiff at Manchester, and with certain swords gave and struck him a great many violent cuts and strokes on and about his shoulders, by which means he became severely wounded and bruised, &c. There was another count for a common assault, and the damages were laid at 500l.

2ndly. A riot committed by the plaintiff and others in the view of the defendants, whereupon the defendants requested the plaintiff and others to disperse; and because the plaintiff and others would not disperse themselves, therefore the defendants laid their hands upon the plaintiff, &c. to disperse them.

3rdly. A conspiracy by the plaintiff and others to excite the king's subjects to hatred and contempt of the government, and to alter the constitution of the realm; and a meeting at the time when, &c. in pursuance and furtherance of that conspiracy, and a request to disperse, &c. as in the second plea.

4th. That the plaintiff and others unlawfully met in a tumultuous, dangerous, and menacing manner, to the terror and nuisance of the late king's subjects, and a request to disperse, &c. as in the third plea.

5th. That the plaintiff and others unlawfully and riotously met to disturb the peace, to the great damage of the public peace, and a request to disperse, &c. as before.

6th. That the plaintiff and others unlawfully met and assembled in a dangerous and menacing manner, and a request to disperse, &c. as before.

7th. That the plaintiff and others conspired to excite the subjects of the late king to hatred and contempt of the government, &c.; and that they unlawfully met for that purpose, and a request to disperse, &c. (as in the preceding plea.)

8th. That the plaintiff and others unlawfully met to excite discontent in the late king's subjects against the government and constitution, and a request by defendants to disperse, &c. as in the next preceding plea.

9th. That the plaintiff and others committed a riot—tha proclamation to disperse was made by a magistrate—that the plaintiff

and others refused to disperse, whereupon the defendants gently laid their hands on the plaintiff and others to disperse them.

10th. That Henry Hunt and others riotously met—that divers magistrates, on view of the riot, issued their warrant to the constables of Manchester to apprehend Hunt and other persons—that the defendants on that occasion acted in aid of the constables—that the plaintiff and others assaulted the defendants whilst acting in execution of the warrant, and that the defendants in their own defence did a little, strike, cut, wound, &c. the plaintiff.

11th. A like plea, except as to alleging the assault to have been made by the plaintiff, &c. on the defendants, immediately after the execution of the warrant.

12th. That the plaintiff committed a riot, &c.; that the defendants endeavoured to restore peace, whereupon the plaintiff and others assaulted the defendants, who, in their own defence, struck, &c. the plaintiff.

13th. A like plea, alleging an unlawful meeting instead of a riot.

14th. That plaintiff and others made an assault on the defendants, wherefore the defendants defended themselves; and if any damage happened to the plaintiff, it was from his assault on the defendants, and in defendants' own defence.

The first witness called was,

Alexander Anderson:—I reside at Manchester, and am, by trade, a weaver. I was at the meeting of the 16th of August; I went to it betwixt eleven and twelve o'clock; there were then a great many people present, old and young, women and children. I stopped till Mr. Hunt passed me in a sort of carriage, and mounted the hustings; soon after that, I quitted the spot. I had no object in attending that meeting, except what is stated in the requisition; nor, to my knowledge, had any body else.

Cross-examined by Mr. Serjeant *Hullock*.—On the 16th of August, I stood near the Quaker's chapel. I had seen Hunt before, but I did not know who was with Hunt, except from what the people said who stood near me. I was at work in the morning, and saw the people coming through Newton-lane; they looked very poor and very ragged, and had nothing in their hands; they walked quietly, but not like soldiers, for these always carry firelocks—some persons in the crowd had in their hands a small rod or switch. I will not say each party was 3000 or 4000—nor swear to more or less in their numbers. I never saw such a party before, as were at that meeting. I was near enough to read what was written on some of the flags; but I will not pretend to say what was on them. I saw a black flag, but cannot say now what was on it. I cannot say but I did see the flag with "Let us die like men, and not be sold like slaves." I never attended any drillings before, nor saw any. I saw the people halt, but do not know who gave the word to halt, or whether it was done by bugle sound or otherwise. I saw no persons telling them to march or wheel, or the like.

William Mckleroy.—I am a weaver, and live in King-street, No. 69, Manchester, and attended the meeting of the 16th of August. I was a party to putting my name to the requisition for calling that meeting, and had no other object but what was therein

expressed. I stopped there till betwixt eleven and twelve o'clock, or thereabouts, when the cavalry charged; and I then made the best of my way off. I stood first within some yards of the hustings, and at the head of, or close by the line of, constables. That line reached nearly from the wall over the brow, and down to the hustings, or close up to it. Mr. Baxter's house was close by me. Our meeting consisted of men, women, and children, old and young. I saw some of the countrymen with bits of sticks, bits of things, crooked and straight, between sticks and rods, but I saw none armed with bludgeons. There was no disturbance, until the rush of the cavalry on coming amongst the people. The cavalry came round the wall near Cooper's cottage, they rode forward, and formed, one end of them in front of the wall, close to the line of constables; and then made a second move rather farther down towards me. They formed three deep there. A gentleman in coloured clothes, whom I did not know, came and seemed to me to read something to the commander. They then advanced, and coming to a straggled part of the crowd, they went on, till coming to the close body of the meeting, I saw some of the people fall. There was not the least attack made on the yeomanry, further than to cheer them as they came down. I saw no stones thrown, and am certain there were none thrown, for I stood upon a height, and might have seen if any were within my view. I do not know if the height where I stood had any particular name, but it was only eleven or twelve yards from the hustings. I am positive no one struck at the yeomanry, as long as I durst stand where I did on the height. I had no apprehension they would cut the people, until I heard one of the constables say "stand fast, number one," and at the same time they began to lay on with their truncheons, or short staves—then I thought it time to run. The yeomanry at that moment, were, as well as my bustle to get away enabled me to see, within about thirty yards of the hustings. I made the best of my way home.

William Harrison.—I am a cotton spinner, and lived at Oldham in August, 1819. I was born there. I went with a company of my townsmen from Oldham to Manchester on that day. We set out betwixt eight and nine o'clock, and reached Manchester a little before twelve o'clock; the distance of seven or eight miles. There were four divisions of us, the "Lees, Mosley, Royton, and Oldham." We all met at the green at Oldham, in number about 5000 or 6000; there were women and children among us. My wife, with a child a year old, went along with me, on the side of the road to the meeting. The proportion of women in the 5000 or 6000 might be about 1000, including girls of ten or thirteen years old. We had no sticks, except for a few of the old men. When we got to New-cross at Manchester, we stopped upon seeing three or four gentlemen on horseback, whom we thought were magistrates, and then, for the first time, we thought there was something hatching. We called out at that moment for such as had sticks to throw them away, and, in my company, I saw that it was done. The New-cross is a mile from St. Peter's field; when we got to the field, I took up with my party the place at the higher side of the hustings, towards Buxton's house, and opposite the

Quakers chapel. I stood, as near as I can think, seven or eight yards on the higher side of the square hustings. I saw the cavalry come on the field and form before Buxton's house, as regularly as they could, considering the speed with which they rode. I saw the yeomanry get among the people and begin to approach the hustings. In their progress, I saw them cutting their way right and left among the people. I then left the field.

Mary Dowland, examined by *Mr. Evans*.—I was at the meeting of the 16th of August, 1819. I knew captain Birley, one of the defendants, many years ago. I saw him on horseback on the ground that day, dressed in his regimentals. I knew Meagher, the trumpeter, also, the cavalry were with captain Birley on that day, and he appeared to command them. Meagher had also his regimentals on; he was a tailor by trade, and a trumpeter in the corps. The meeting was as peaceable as this court is at present; I dressed fourteen wounded men on that day in my own house.

Cross-examined.

I left the meeting, when I found the yeomanry cutting and murdering the people. I do not remember all the meetings; but I remember the 16th of August, for my house was more like a slaughter-house than a Christian's house, with the wounded I assisted in dressing that day. I was not hurt, but my murder was prevented by a soldier of the 15th hussars putting up his sword against young Tibbot, the tallow-chandler, who wanted to murder me.

John Jones.—I reside in Windmill-street; and had a view of St. Peter's field on the 16th of August. I saw the different parties arrive. The meeting was as peaceable as this court. I saw the yeomanry cavalry come into the field, form before Buxton's house, and advance to the crowd. When arrived at the hustings, they formed round it: and when they had cleared the hustings, they made a charge upon the people, who fled in all directions. They rode over men, women, and children. They came up to the railing before my house, sabreing the people, who were groaning and shrieking, unable to speak. An officer came up to the cavalry, and said, "Gentlemen, forbear! forbear! the people cannot get away." I saw only one stone thrown, and that was when the cavalry were scouring the field. At my door there were one woman and one man killed.

Rev. Mr. *Hindmarsh*. I was in St. Peters on the 16th of August. I am a dissenting minister. I went into the field about twelve o'clock. The conduct of the people was remarkably peaceable. I remained on the ground till the crowd was dispersed. I saw no provocation offered by the people to the military.

The Rev. *E. Stanley*. I am the rector of Aldersley, in Cheshire, and brother of Sir J. T. Stanley. On the 16th of August, 1819, I had business with Mr. Buxton. I live between fifteen and nineteen miles of Manchester. I entered Mosley-street, Manchester, on the 16th of August, as nearly at twelve o'clock as possible. In proceeding up Mosley-street I met many persons; they were walking six or seven abreast, and they were arm in arm. I was on horseback. I passed through this body of people by their opening to give me way. I got to Mr. Buxton's house about a

quarter after one. I went into a room where the magistrates were assembled. I remained there about eight or ten minutes. During the time I was in that room Mr. Hunt arrived on the ground in a barouche, accompanied by a vast multitude. The populace gave a tremendous shout when he appeared. I did not remain in the room I first entered, but went into the room above it. There were several other persons in that room. I saw the Manchester yeomanry come to the ground. They formed with their left flank to the right of the line of constables. The constables extended from Mr. Buxton's door up to the hustings. There were two lines of constables. Near Mr. Buxton's house, and until the constables came to the mob, the interval between the two lines was four or five feet. It was contracted, by pressure, when the lines got among the people; but when they came near the hustings, the interval appeared to expand a little again. I saw the people collected round the hustings in a very large mass. I believe almost all the people about the hustings had their hats off. I saw hammers and caps of liberty on the ground. I heard Mr. Hunt's voice, but I could not distinguish his words.

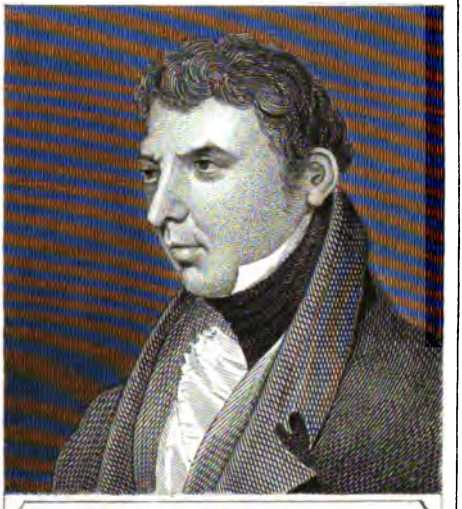
In two or three minutes after the cavalry formed in front of Mr. Buxton's house, they advanced towards the hustings. They were in an irregular mass. They went on for a few paces at no very quick rate; but they soon increased their pace, till it became a sort of rush or race amongst them all towards the hustings. The people could not disperse instantly; but the outward edge of the meeting, in front of the hustings, began to melt away, as is were. The speed of the cavalry was diminished as soon as they came in contact with the dense mob, but they worked their way to the hustings. I watched the advance of the cavalry towards the hustings attentively. I saw neither sticks nor stones used against the cavalry in their advance. I could not say, that I saw the cavalry surround the hustings, but I saw the swords moving up and down, the orators overturned, and the mob dispersed rapidly. From the time the cavalry started from their halt, till the final dispersion of the meeting, was, in my judgment, from three to five minutes. I saw other troops come on the field. That was after the mob round the hustings had dispersed rapidly, and, I think, after Hunt had been carried off. At that time the Cheshire yeomanry came in, and formed on the left of Buxton's house. They took up their position on the rear of the hustings. Soon after the Cheshire yeomanry arrived, a troop of the 15th dragoons came in and formed under the windows of Mr. Buxton's house. I think they were the 15th dragoons. They wore Waterloo medals, they halted or paused for a moment or two. At the close of the business, I saw some artillery driving through the place. After the crowd was dispersed the yeomanry cavalry went to every part of the field. From my situation in the window, I think, if any sticks or stones had been flung at the cavalry, I must have seen them.

Cross-examined by Mr. Sergeant *Hullock*.

You are a magistrate, I understand?—I am not.

Were you in the magistrates' room at Mr. Buxton's?—I was.

You saw from a back window, in the room above stairs, a mes-



JOHN THURTELL.

Published by Sherwood, Neely & Jones, 1819.

senger dispatched for the cavalry—or you were told that a messenger was so dispatched?—Yes.

Did it occur to you at that time, that that step was improper or premature?—I saw no necessity for it.

It struck you, then, as an unnecessary act?—Certainly.

I ask you, then, sir, whether you recollect the impression under which you laboured, when you were going home with Mr. Markland?—I thought it then, as I think it now, a dreadful occurrence, but I hoped that there were grounds for it.

Did you see Hunt with the ladies and gentlemen in his train arrive on the field?—I did. I did not hear Mr. Hunt desire the people to give three cheers. There were, however, loud cheers given by the people.

Re-examined by Mr. Blackburne.

May I ask you were you terrified by those shouts?—Certainly not.

Will you tell me whether you saw or heard the riot-act read?—I neither heard it nor saw it read.

By Serjeant *Hullock*.—If it were read you must have heard or seen it?—I think so.

The examination of these and of about thirty other witnesses continued for two days, and on the third day numerous witnesses were examined in defence.

April 6, *Third Day*.—The first was *J. Andrews*.

I was one of the two chief constables at Manchester on the 16th of August, 1819. I had frequent occasion to be alarmed before the 16th of August. The Manchester district was in a very disordered state before that time, so much so as to cause me to send my wife and family out of the way a month before the 16th of August. We expected a public meeting on the 9th of August. Many placards were posted about to that effect. My apprehension was increased when I found that Hunt and Carlile were to be there, and to take a lead at the meeting. Hunt was in Manchester before, during the year I was in office. I saw him in Manchester before the 16th of August. The town was generally more disorderly when he made his appearance. I lived at Hendom-hall, about two miles from Manchester. On the nights of Saturday, the 14th of August, and Sunday, the 15th, I was awoke by tremendous shouting in the public road. My house is, I suppose, one hundred and fifty yards from the public road; I got out of bed and went to the road, placing myself in my plantation near it; there I perceived thirty or forty people, in line, on the foot-path. On my arrival at the plantation I heard some one cry out, where is serjeant Robinson? The number of people then collected immediately marched off towards a place called White-moss, on the new Rochdale and Middleton road, about a mile and a half from my house. I saw another division of the same number going there, halt at nearly the same place as the former, and they immediately gave three shouts. Straggling parties of three, four, six, eight, or ten, in companies, were proceeding on towards the

same place for some time. I remained in the plantation upwards of two hours. I then went home, and on return saw great numbers of people on Sunday morning, between eight and ten o'clock; a great many of whom were drunk and disorderly. The thirty or forty, whom I saw go on, returned in straggling parties. On my going to church, about ten o'clock, I perceived in the outskirts of the town, that a great many lamps were broken. I communicated these circumstances to the magistrates, I think, on Sunday.

On my way home a short time before the 16th of August, I saw about twenty men drilling on the public road; I saw them form in sections, and then advance into line; I did not interfere with those I saw, because I was alone; from all I know of the state of the country, I considered the meeting at Manchester as dangerous to the country. I was at the Manchester meeting. I was ordered by the magistrates, in conjunction with Mr. Moore and the Boroughreeve, to form a line of special constables from the magistrates' house to the hustings; a great many special constables were at that time sworn in, chiefly householders. We formed a double line of perhaps three hundred householders; I considered that number inadequate to the preservation of the public peace. The line extended up to the hustings in the first instance; that line was placed, in order that we might hear the orators, and communicate what they said to the magistrates; the magistrates were assembled at one end of that line, at Mr. Buxton's house; previously to that the magistrates held their meetings at the Star Inn. I saw the hustings removed and the constables separated from it, further off from the magistrates, I suppose six or eight yards; the intermediate space was occupied by the people who had assembled, and the communication was cut off. The hustings on that side were not then accessible. I am not aware of any attempt being made to re-open the communication; the communication was rapidly cut off a little after twelve. I saw great numbers arrive on the field, with drums beating, colours flying, and with caps of liberty and other emblems; the people took their stations in regular order; I saw the divisions from Lees and Mosely particularly take their posts. They marched upon the ground with sticks on their left shoulder. The sticks were of different sizes; some not as if necessary for walking; generally they were larger than are used for that purpose.

For some time previously to the 16th of August I was wholly employed about the approaching meeting; a committee of the principal inhabitants was formed to assist us; they met frequently; and, had it not been for their assistance we could not have gone through our business; I received an order from the magistrates to get two messengers on horseback for the purpose of conveying any orders they might give; I was desired to execute a warrant by Mr. Hulton. I said it would be impracticable, knowing the disordered state of the country; I had frequently been insulted, and I stated that I could not execute the warrant without military assistance. Such assistance was sent for. Mr. Hulton sent a letter to the commanding officer of the yeomanry, and another to the 15th hussars. Mr. T. Withington took one, and Mr. J. Birley

the other. The yeomanry came first, and I went up to the then captain, now major, Birley, and stated to him that we had a warrant to take the orators from the stage. He joined me, I going before him. Mr. Moore and Mr. Nadin, I think, accompanied me. I kept in advance of the yeomanry as long as I could. I believe myself and the other peace officers walked. The interruption of the people prevented my keeping in advance the whole way; and I kept as close as I could. Hunt and Johnson were then taken into custody; I took Johnson to the magistrates' room. Messrs. Ethelston, Hay, Norris, Sylvester, and Wright were present at the meeting of justices; when the warrant I have spoken of was issued; it is dated the 16th of August, 1819.—[The warrant was read by the officer of the court, and stated, on the oath of William Owen, that Hunt and others had just then arrived, and that great alarm was excited by their presence; and it finally required the arrest of these parties.]

James Murray examined. I live at Withy-grove, Manchester, I left there in company with John Shawcross on the morning of the 15th of August, for White-moss, and I arrived about three in the morning; I heard a continual shout on the road; when near the White-moss I saw several persons together, it was just break of day, the number so collected might be from 6 to 800; we went in the direction of the noise—Shawcross being in my company; they appeared from their contiguity to be all one body, but they still were in separate bodies; they were drilling; I heard them say, "wheel," "halt," "march," and every other word used at drill, exactly as if they were drilling recruits; they soon after began to halt the squads and shout out spies, when I retreated; "spies and constables" were called out by many persons; very nearly one hundred persons moved after me, as I was walking away; some of them ran, and some only walked; several voices from the main body, which did not move, called out "kill them"—"d——n them"—"murder them." I was overtaken by those who followed me, to the number of from thirty to fifty; when they got to me they threw stones and clods at me; those who had sticks surrounded me, used their sticks by beating me, and those who had none beat me with their fists and kicked me; the blows were very impartially dealt out; I had them all over me; I made as much outcry as I could, and while doing so I heard some of them ask, "Must we kill him out and out, and put him in a pit, or shall he be let go?" One man said—"I think he has enough," and then they ceased attacking me. They gathered together, when one stepped out from amongst the body and said—"Will you go down on your knees and swear never to be a king's man again, nor own the name of a king—nor constabling? I consented, to save my life. They surrounded me with their sticks, and one came forward to tell me what I had to say. I repeated the words after him. "You swear never to be a king's man again, nor own the name of a king, nor ever be constabling." During this time I was on my knees. Afterwards I went to Middleton, from which I was distant about half a mile. I could not get to Manchester without a chaise, into which I was unable of myself to enter.

I was confined to my bed the ensuing Monday. I heard the

sound of bugles and drums, and I began to feel great alarm.—I was carried towards my window to enable me to look out at a number of people who were passing by; one man cried out halt, the bugle sounded and they halted. The leaders were about eight or ten abreast. As they marched forward they hissed and pointed at my house. I should think there were from eight to ten thousand. This was between eleven and twelve o'clock. They had banners, one at the head of each division. Many of them had sticks, and walked with them. In about an hour after I was again carried to the window; the street was as full as it could be crowded, with a band preceding an open carriage, in which Mr. Hunt was seated, together with Johnson and a young woman smartly dressed. They went as slowly as they could; Hunt and Johnson looked up at the windows of the house; and the others hissed and groaned tremendously. The next cheered, as they pointed to Mr. Hunt, and then they hissed at me again. I think they considered Mr. Hunt as their deliverer, but he gave no command or direction by my house.

Mr. J. Nadin. I was the deputy constable at Manchester when these transactions occurred. I was so for twenty years. I have retired from the situation I then held, but I am a constable still. I was at the meeting of the 16th of August. The body of special constables was first assembled in St. James's Square. There were three or four hundred of them more or less. They were afterwards stationed in the field in a double line, up and down which I frequently moved, until Hunt came. There were only a few persons between the hustings and the line, till the black flag came: then there was a considerable rush, and the constables were separated a good way from the hustings. I observed that the persons were linked together before the black flag came; but they linked together more after it came. Two or three persons were poorly, and I saw them unlink to let those persons out. Previously to going with the warrant I saw a man with a roll of papers, whom I had seen before at meetings, and whom I had seen at the theatre the night that Hunt was expected there. When I was in the line of constables, and before I got the warrant, the reformers came to look at us; they said, "that's Joseph." Others said, "he's a great guts, and he has more meal in his belly than we have." Another set said, "this is the black mob;" alluding, I suppose, to the constables. Another said, "they've very good coats on their backs; better than we have." When the man I have described with the roll of papers went into the mob, they unlinked. That admitted him to the front of the hustings. I endeavoured to follow him several paces. Somebody then said, a spy! As soon as the word spy was heard, they stopped him, and he went no further. Some one then said, it's Joseph. It was repeated further down, and then some one said, "Knock him down, and keep him down," or, "put him down and keep him down." I then went back again. I observed several with sticks, and some large ones, as they marched on to the ground.

From all that I had observed among the multitude before I received the warrant, I deemed it impracticable to execute the war-

rant without military aid. I durst not have executed it without the military, from the reception I had met with a few days before, but not in the execution of a warrant. The boroughreeve, constables, myself, and two or three beadles, had sent bill-stickers to New-Cross to post bills at that place. Upon information that we received, we went to the place, where the mob were stoning the house in which the bill-stickers were. We went through the mob, and then a shower of stones came after us. Mr. Moore and Mr. Clayton got away. Mr. Andrews and myself, on coming out of the house, were pelted all the way down Oldham Street, when we found Mr. Moore and Mr. Clayton bringing the military. The recollection of that transaction deterred me from executing the warrant without military aid. Mr. Hulton gave me the warrant, and I then told him that it would be impossible to execute it without the military. I went towards the hustings along the line of constables, to where the crowd was. I wanted to get into the crowd to hear what Hunt was saying about knocking down their enemies. I then perceived that the people, between the constables and the hustings, were linked. I perceived it because they swimmed about, and did not stand steady like the other mob. I then returned to the magistrate's house, and the Manchester cavalry came. I drew the special constables back to the magistrate's house; I did that to let the yeomanry advance. I afterwards followed the cavalry down to the hustings.—I did not see them cutting the people with their swords. I finally got to the hustings and took those on them into custody. It was my particular duty to execute process in Manchester.

The Rev. William Robert Hay. I occasionally gave the magistrates my assistance, but living in Yorkshire, I waited till the last moment. As soon as I heard the magistrates had prohibited the meeting of the 9th, I set out, and arrived at Manchester about ten or eleven days before the meeting of the 16th. I remained until the evening of the sixteenth. I had constant access to the magistrates, and gave them such advice as I deemed expedient. I was with the magistrates at Buxton's house. The proclamation of the riot act was read. Prior to the meeting of the 16th, I ordered an impression of the proclamation required by law to be struck off, and I distributed them among the magistrates. It was read in the interval between the yeomanry coming up, and whilst they were forming. It was read by the Rev. Mr. Ethelstone, one of the magistrates. He was stationed in a one-pair of stairs room in Mr. Buxton's house. He read it with his head very far out of the window; the base of the window was very low; he leant so far out, that I stood behind him, ready to catch his skirts for fear he might fall over. Mr. Ethelstone, is a gentleman whom I have occasionally heard sing, and he has a remarkably powerful voice. When he drew back his head into the room, after having read the proclamation, I observed to him, "Ethelstone, I never heard your voice so powerful." I had observed the demeanor of the multitude throughout the morning, and down to that time. It was, in my judgment, as tumultuous a meeting as could be; I mean, so far as to inspire terror. I felt

great alarm for the safety of the town, and I should have considered the magistrates had betrayed the duty intrusted to them, if they had not arrested the authors of it. The cavalry did not advance, as if they were charging, but each as he could, and then the crowd closed on them. From the room where I was, I saw stones thrown and sticks used, and some of them as if they were playing about. From the scattered way in which the yeomanry had been able to enter the crowd, I was under apprehension that they were opposed, and that the people would overpower them. I had many friends in the cavalry and amongst the special constables, for whose safety I had great fear.

Rev. C. W. Ethelstone. I am a fellow of the collegiate church of Manchester, and a magistrate for the county. I saw Hunt and his party come on the ground. The assembly appeared to me to be most tumultuous. It was certainly highly proper to read the riot act, and I did read it. I have found the identical card from which I read it. It was at one of the windows in the first floor of Mr. Buxton's house. I made several attempts to read it from the area, but I found it could not be heard. It was my intention to have read it on horseback, but I could not find my servant, to whom I had but a short time before given directions to take my horse a little round the house. Mr. Silvester attended the meeting, and I understood he also attempted to read the riot act. I concurred in the propriety of calling in the military in aid of the civil power.

Colonel l'Estrange. I am a colonel in the army, and lieutenant-colonel of the thirty-first infantry. I had the command of the district and neighbourhood of Manchester on the 16th of August, 1819; I had been in communication with the magistrates for several days before; the subject of these communications was the preservation of the public peace; I received from them information of the state of the country; I, in consequence, adopted such measures as were most likely to preserve the peace, by the distribution of the force under my command; I acted by direction of the magistrates; I was with two squadrons of the fifteenth hussars, and one squadron of the Cheshire yeomanry, together with one squadron of the Manchester yeomanry; I understood that Hunt was passing the end of Dean's-gate, and I rode with Colonel Townshend and Mr. Trafford to see him—we were all in uniform. When the carriage came up, Hunt, who either rose, or was standing before, waved his hat, looked at us, then at the mob, and shouted; they also shouted, I supposed in defiance, from seeing us in uniform. About a quarter of an hour after this, I received a letter from Mr. Hulton, as chairman of the committee of magistrates. It in substance stated, that he required the attendance of the military, as he did not conceive the civil power sufficiently strong for their purpose. He headed it "as chairman of the committee of magistrates." I then ordered the hussars, and the troops of Cheshire and Manchester yeomanry to go to the house which Mr. Hulton pointed out as that occupied by the magistrates. In order to avoid passing through the mob, it was necessary to make a detour through Fleet-street; we were anxious to be in

the rear of the civil power. When I arrived at the corner of the house where the magistrates were placed, I saw a considerable dust, which led me to believe that the yeomanry were in conflict with the people. I saw missiles in the air. I was thirty or forty yards from the yeomanry. I conceived that they were in danger, because they were insulted and scattered amongst the people, and might have been thrown from their horses. When I arrived at Mr. Buxton's, I looked up at the window, and asked for orders. Mr. Hulton said, "For God's sake, look at the yeomanry; rescue them and disperse the mob." We did so. In advancing we experienced resistance. My cap was knocked off. I suppose by a large brick-bat or stone.

On the 5th day, at four o'clock, *Mr. Justice Holroyd* began to charge the jury. This, he said, was an action brought by the plaintiff, Redford, against four persons, one of whom, Birley, was captain of a troop of the Manchester yeomanry; another was an officer of a different troop of the same corps; a third was a private, named Oliver, and the fourth was Meagher, a trumpeter; and the action sought to recover compensation for an injury which Redford alleged he had sustained by an assault of the said defendants, on the 16th of August, 1819, at Manchester. The learned judge then enumerated the different heads of the evidence, and commented upon the previous drilling of parties who had been seen at the meeting—their assault on the constable, and on Murray—their hissing before the latter's house when marching into Manchester—and their hooting before the Exchange, and again at the soldiery.

At six o'clock, the jury retired for about six minutes, and then returned with a verdict *for the defendants.*

CASTAING, THE PHYSICIAN,

FOR MURDER,

At Paris, November 11-17, 1823.

This trial commenced on Monday, the 11th of November. At a quarter past ten o'clock, Castaing, the prisoner, was brought into court. He was a young man of a fair complexion, and an interesting figure, with a mild and gentle voice, and of peculiarly calm and decorous manners. The bar, upon which the ar-

ticles necessary to the conviction of the prisoner are placed, did not, upon this occasion, present any blood-stained garments, or any spoils taken from the person of the murdered victim: but a range of decanters, bottles, and phials, containing either the poisons found in the house of the accused, or the analyzed results of them; together with two chests tied and sealed up, in which were contained other substances designed as tests for them.

The indictment charged him with three crimes—1st, with having administered poison to his young friend, Hippolyte Ballet, about the end of October, 1822; 2ndly, with having, in conjunction with the surviving brother, Auguste Ballet, destroyed the will of the deceased, to convert his property to their joint use; and 3rdly, with having, in the end of May, 1823, made his accomplice his victim, after he had secured the spoil, by having induced Auguste to bequeath it to him by testamentary instruments. The poison said to be employed in both cases, was of a vegetable kind, called acetate of morphine; and it was alleged to have been administered, in the last case, in a tavern in St. Cloud, where Ballet and Castaing had gone to pass a few days as bosom friends.

Castaing was then examined by the president, and in answer to questions put to him, asserted, that he had never written a single prescription for M. Hippolyte Ballet during his illness; that he had never prevented any of his relations from coming to see him; but that, on the contrary, he had given Madame Martignon an opportunity of seeing her brother, contrary to his express wish and desire. He admitted that he was well acquainted with the effects of vegetable poisons, and that he had bought a considerable quantity of the *acetate de morphine* about the time of M. Hippolyte's death; and in opposition to his first declarations, attributed the rapidity of that gentleman's death to the bad state of his lungs. He denied that Hippolyte had ever made a will, but admitted that he had drawn up the *projet* of one upon a loose piece of paper, in which he left the greater part of his property to his uterine sister, and little or nothing to his brother; and that, in consequence of a conversation which

passed between himself and Hippolyte, that *projet* was destroyed, and Hippolyte became reconciled to his brother about a month before his death. He denied that he had ever paid, or said that he had paid, 100,000 francs to Lebret to obtain from him the duplicate of the will placed in his hands; and asserted that Mademoiselle Percillie, in saying that he had made such a declaration, was influenced by the hatred which she felt against him for his endeavours to wean Auguste from her society. He allowed, that he went on the 8th of October, with Auguste and Prignon, to the bank of France, but protested that Auguste had never shown to him any notes, or bundles of notes, which he had then received. He acknowledged, that he had been frequently dunned for a debt of 600 francs; but the reason of that was that he had accepted it for a friend, and that he thought it hard that he should be compelled to pay it. He admitted, that he had received a gift of 100,000 francs from M. Ballet; but that was partly in payment of a perpetual rent-charge of 4500 francs, which M. Hippolyte had left him by will.

On the morning of the 31st of May, he proposed a walk to Auguste; but Auguste said "No, we walked enough yesterday; my feet are very much swollen, and I shall not be able to put on my boots." Finding that to be the case, he got up himself at four o'clock in the morning, and walked to Paris, for the purpose of procuring poison to destroy the animals which had disturbed them during the night, and to use in experiments.

Being asked why he purchased the poison of two different druggists, he replied that his original intention had been to go to his own house for it, but that he had altered his mind in consequence of recollecting that his brother, whom he had not seen for seven years, was there, and would prevent him from returning to Auguste at St. Cloud. On that account he purchased the *acetate de morphine* of M. Chevalier. At first he did not think that he should want the emetic, but afterwards, recollecting that it might be necessary, he purchased it of a druggist, whose shop was in his road to St. Cloud. He reached St. Cloud between seven and eight o'clock in the morning; and on his ar-

rival there, asked, by desire of Auguste, for a jug of new milk, warm from the cow. On getting it, Auguste poured out the milk, and drank it; as also he did. Auguste, within three-quarters of an hour after drinking the milk, was seized with violent vomitings, and frequent evacuations of bile and black substances; by the prisoner's order, a servant took away the pot into which these evacuations had been made. The prisoner next admitted, that he then left the room; and being asked why he did so, he said it was to fling into the privy the *acetate de morphine* and the emetic, which he had purchased at Paris, and which he had mixed together in a phial. About eleven o'clock, the doctor, Pigache, first arrived, and prescribed a cooling draught for the patient, who only took it twice. About one o'clock the doctor came again, and prescribed a different draught, which was made up at a druggist's at Boulogne. Castaing admitted, that he gave Auguste several spoonsful of this draught. Being told that a witness, who had seen him administer a spoonful of this draught, declared that, within five minutes afterwards, the most alarming symptoms appeared in Auguste, accompanied by strong convulsions, he replied, that those symptoms did not appear till nine o'clock, when Auguste had taken several spoonsful, and that Auguste did not lose his knowledge of what was passing around him till ten o'clock, a point on which the president informed him he was directly contradicted by other witnesses.

The prisoner further stated, that, at eleven o'clock, M. Pigache bled Auguste, and ordered him to apply leeches; that he accordingly did so; that M. Pigache advised a second bleeding, but expressed his fear lest the patient should expire in the midst of it; that he did not object to it, but only said that it was a matter of great delicacy. Being asked his opinion as to the causes of the rapid progress of Auguste's disease, he replied that he was ignorant of them; that, as to the nature of the disease, it appeared to him at first to be *cholera morbus;* and afterwards to be a congestion on the brain, occasioned by an inflammation of the intestines. He acknowledged writing a letter to Malassis, informing him that he sent him two keys, and recommend-

ing him not to say that he had received them from him (Castaing), and to conceal their relationship with each other. Being asked why he had denied the writing of such a letter on a former examination, he answered, that he had done so to conceal a circumstance which might appear to cast suspicion upon his conduct. He denied all knowledge of the keys which he had sent to Malassis, and of the contents of the boxes, the locks of which they opened.

M. Martignon, the brother-in-law of Hippolyte and Auguste Ballet, said, that in consequence of the improvement which appeared visible in Hippolyte's health at the conclusion of the month of September, 1822, he was considerably surprised at hearing, on Thursday, the 1st of October, of his being in the very agonies of death. After recounting the excuses to which Castaing resorted to prevent his wife from having access to her brother during this illness, he informed the court, that on the evening of Hippolyte's death, he had, with the consent of Castaing, called in another physician, M. Segalas; that, after Hippolyte's death, that physician advised that his body should be opened, not from any suspicion of his having been poisoned, but under the idea that the complaint of which he died was a family complaint, and that the knowledge so acquired of its nature might be of use to his surviving relatives; that he informed Auguste Ballet and Castaing of this proposal; that they agreed to it; that the body was subsequently opened by Castaing and M. Segalas; and that the appearances of the head and stomach were precisely similar to those afterwards observed in the head and stomach of Auguste. He also stated, that when Hippolyte's desk and drawers were opened, not a paper of any description was found in them, though it was known, that he kept receipts of all his expenditure—nor any money, though Hippolyte had told him, only the day before his illness, that he had 6000 francs by him to pay his carpet-maker's bill. He affirmed that he knew nothing of any will being in existence.

M. Martignon then declared, that, on the day of Auguste's death, being informed that Auguste lay dangerously ill at St. Cloud, he immediately set off for that place, but did not arrive there until after Auguste's death. The physicians, Segalas and Pelletan, there informed him, that the circumstances of his brother-in-law's death were so extraordinary, that they required judicial investigation; and, in consequence, he consented that they should jointly draw up a *proces verbal*. Whilst this was doing, Castaing came into the room, and being informed of their proceedings, expressed his warm approbation of them, stating, at the same time, that it was his opinion that Auguste had died of a congestion on the brain, occasioned by some pecuniary losses, and also by his grief for having deserted mademoiselle Percillie, of whom he was strongly enamoured. On retiring with Castaing, he asked him whether his brother-in-law had said any thing to him regarding

the disposition of his property. Castaing replied, that he had given him two keys to send to a man called Melassis. He desired Castaing not to send them to that person without giving him previous information, and Castaing said that he would not. He then described the proceedings which took place at St. Cloud, before the *Juge de paix*, from their first institution, down to the time that Castaing was taken into custody. When he first saw Castaing after that event, Castaing told him that he had no knowledge of Auguste's having left any will; but that afterwards, when the body had been dissected, and when the *Procureur du Roi*, at his request, had asked Castaing for Auguste's keys, Castaing said in giving them up, "If it is to look for the will you want them, it is unnecessary, for that is in the hands of M. Melassis." In consequence, he waited upon M. Melassis, who confirmed what Castaing had said, and promised to deposit the will in the hands of the proper authorities. Malassis deposited it in the hands of M. Sené, from whom he (Martignon) first learned that Auguste had appointed Castaing his universal legatee.

M. Lherminier and *M. Segalas*, two medical gentlemen, agreed in saying, that in 1821, Hippolyte appeared to them to be in the second stage of a pulmonary tuberculous consumption, under which he might have lingered for a considerable time. On the 2nd of October, that disease appeared to be increased by an inflamation in the chest. On opening his body after death, that was actually found to be the case. The same appearances would have been found, had Hippolyte died of any vegetable poison. They agreed that certain vegetable poisons, even when administered in sufficient quantities to produced eath, might not leave any traces behind them, either in the stomach or in any other part of the body. M. Segalas, who had been a member of a commission, which had unanimously declared that eight grains of the *acetate de morphine* would produce death, though no trial of it had been made on the human frame, added, that, after many experiments, which he had since made, he had discovered that fourteen grains of that substance, when given to animals, had not killed them.

Dr. Michel, the usual medical attendant on Hippolyte Ballet, was called in by that gentleman on the 10th of April, 1822, and found him labouring under a tuberculous consumption. That complaint was, however, making such slow progress, that Hippolyte might have lived for many years. He was greatly surprised on hearing, within four months afterwards, that Hippolyte was dead. Being told to notice the appearances which were observed on the opening of Hippolyte's body, and to give his opinion upon them, as to the cause of Hippolyte's death, he deposed that the congestion on the brain might have arisen from natural causes, but that some of the alterations observed in his system, might have resulted from his having imbibed a narcotic poison like the *acetate de morphine*. These effects, however, sometimes depended on the particular organization of individuals.

M. Billoin, a druggist, deposed, that in January, 1823, the prisoner had purchased of him at several different times a consider-

able quantity of the *acetate de morphine*. He told the witness that he wanted it for experiments on animals.

M. Caylas, another druggist, deposed that the prisoner had upon two occasions purchased of him *acetate de morphine*. The first time was in May, 1822, and the second on the 18th of September, in the same year; he then asked for ten grains. The witness, before he left the court, remarked, that the indictment stated that the prisoner had taken steps to obtain from several druggists declarations in his favour; now he begged leave to say, that nobody had made application to him on behalf of the prisoner.

Mademoiselle Percillie was the next witness called. She described herself as an actress *(artiste dramatique)* residing in Rue d'Amboise, and stated herself to be 27 years of age. She declared that, to her knowledge, Castaing had caused the destruction of a will before the death of Hippolyte Ballet, or, at least, after his death. She learned from Auguste, that Castaing had induced him to destroy the will of his brother, which had been made in favour of his brother in-law, Martignon and his wife, and which had been deposited in the hands of Lebret. To effect the destruction of this will, he advised Auguste to sacrifice 100,000 francs, informing him that his brother-in-law had offered 80,000 francs to have it made valid. On the 8th of October, they went to the bank together. Auguste then told her, that he was surprised at the conduct of Castaing, for Castaing had informed him that Lebret would not settle the business of the will with any other person but himself. She herself thought this conduct very strange, and advised Auguste to place no confidence in Castaing. She had heard Castaing admit the existence of a will, on five or six different occasions, at her own house; and on the day that Auguste and he went to the bank, Auguste showed her a red seal, and said that it was the seal of his brother's will, and that he had paid 100,000 francs for it.

M. Orfila, professor of toxicology in the faculty of medicine, read over the *proces verbal* of the dissection of the body of Auguste Ballet. He then deposed, that from inspection of that paper, he could not declare, whether the death of Auguste had been produced by natural causes or vegetable poisons. In answer to repeated questions by the president, he replied, "It is impossible for me, under all these circumstances, to say, whether there has or has not been an attempt to poison. The *corpus delicti* is wanting, because the matter vomited by Auguste is not forthcoming. If that matter had been submitted to me, as well as the liquid contained in the stomach, I could have given in evidence the most satisfactory of proofs. I am certain that by means of an exact analysis, I could easily discover, in a pint of liquid, a single half grain of the *acetate de morphine*." The witness then proceeded to explain the measures, by which he was enabled to arrive at such a fact. "Two or three years ago," he said, "it was a common error to suppose, that certain vegetable poisons left no trace exclusive of any other symptom of disease—that was even an axiom of legal medicine. At present, chymistry has made great progress, and it

is almost as easy to discover the vestiges of vegetable as of mineral poisons.

M. Vanquelin, a celebrated chymist, spoke almost to the same effect. He had analysed the remainder of the cooling draught prescribed by M. Pigache, and had not found in it any poisonous substance.

The medical men, who had dissected the body at St. Cloud, were then examined, and gave similar testimony to that which they had given in the *procès verbal*.

The case on the part of the prosecution here closed. (Nov. 14.)

The first witness called on the part of the defence was M. Chaussieur, a physician of 80 years of age. He stated that he had known several instances of death under circumstances as extraordinary as those of Auguste Ballet, in which not the slightest ground for supposing the deceased were poisoned was detected on opening their bodies. The witness then stated, that if the red spots observed in the stomach of Auguste had been produced by poison, they would have been spread over it generally; instead of which they were merely local.

M. Barruel and M. Magendie, two members of the Institute, deposed to the same effect as the last witness.

On the 17th, at half-past eleven at night, the jury acquitted Castaing of the charge of poisoning Hippolyte Ballet, but found him guilty of destroying the will, and also of poisoning Auguste Ballet, by a simple majority of seven against five.

At midnight he was sentenced to death, and to 100,000 francs damages, and costs towards the civil party in the proceedings.

He died protesting his innocence.

THE LECOUFFES, MOTHER AND SON,

FOR MURDER,

At Paris, 1823.

The Lecouffes, mother and son, were accused of the murder of Madame Jerome, a beggar, in the Faubourg du Roule.

The crime was considered at first to be without motive, and therefore the more unnatural: but it was at last discovered, that the deceased had a watch,

which she concealed in the straw of her bed, and which might have been the temptation to the accused.

The mother was first arrested under circumstances of strong suspicion: and during the examining of the witnesses by the *Judge d'Instruction*, the son came forward, and avowed himself the murderer.

The account which he gave, both of his motives for committing the crime, and his reasons for confessing it, were of the most singular kind. He told the Judge d'instruction, that he wanted to marry, but could not find money to pay the expenses of his *noce*, or wedding, and that having heard of the old beggar's possessing the requisite sum, in property or coin, he had taken away her life to get possession of it. He had then married, but soon began to repent of the assassination. His first idea, he said, was to expiate his crime by suicide; and having heard that brandy, taken in sufficient quantity, would produce death, he had bought a bottle as a certain poison. Having, however, drank two glasses of this mortal liquor, he found that he was the less disposed to die, and therefore postponed the consummation of the process to the following day. During the night, the shade of his father, his own guardian angel, and two other angels, with whose physiognomy he was unacquainted, appeared before him, and enjoined him to confess his guilt. He therefore proceeded to the Judge d'Instruction, whom these messengers pointed out, and who happened to be the person who was there drawing up the evidence against his mother. The judge issued an order for his arrest, on the disclosure of facts stated by himself. The young man afterwards denied the crime, and declared that he made a false confession, to induce the judge to release his mother. Additional evidence was however collected, and the result of the trial was, that the son was declared guilty of the murder and robbery, and the mother, though acquitted of the assassination, was convicted of having concealed the articles stolen, with knowledge of the murder; and both of the prisoners were executed.

In the course of this trial, M. Dubois, an eminent physician, was called upon to say whether he observed in the prisoner Lecouffe any appearance of mental alienation. In vain did the physician protest that

he saw no sign of derangement, when the counsel for the prisoner, with the consent of the president, insisted upon the head of his client being examined. The doctor felt the murderer's head,—but after strict examination, he solemnly declared that he could discover nothing remarkable in the prisoner's skull. The following dialogue succeeded to this examination :—

The *President.* What is the result of your examination ?

M. Dubois. The cranium of the accused presents no deformity, and indicates no kind of alienation.

Prisoner's Counsel. Can you say that the accused never has experienced mental alienation ?

M. Dubois. It is possible he may have, when young, before the bones of the head joined ; but at present there is no kind of deformity.

ELIZABETH BRYANT AND TWO DAUGHTERS,

FOR AN ASSAULT.

Taunton, 1823.

THE grand jury, after consulting the judges, threw out the bill on the capital charge, and returned a true bill against Elizabeth Bryant, the mother, aged 50, Elizabeth Bryant, the younger, aged 22, and Jane Bryant, aged 15, the two daughters, for having maliciously assaulted Anne Burgess.

The parties resided at Wiveliscombe, Devonshire, and the prosecutrix was a very aged woman. The elder prisoner was a married woman, residing in the same neighbourhood. She had three daughters, who lived with her, two of whom were prisoners at the bar. One of these had been afflicted by fits, which the mother firmly believed were the workings of some malignant spirit ; and in order to counteract or break the spell, she applied for advice to a reputed sorcerer, named Baker, residing and exercising absolute sway in a remote part of Devonshire. This fellow told her that her daughter was bewitched by a particular person in their neighbourhood, and that, to get rid of

the charm, it was necessary to draw blood from the witch, and to cause a preparation, of which he gave her the recipe, to be burnt, with certain ceremonies and prayers. Whether from a staid deportment, reservedness of manners, or old grudge, did not appear, but the prosecutrix was immediately fixed upon as the witch, and was published as such throughout the town of Wiveliscombe, by the elder prisoner, who positively declared, that her daughter had been bewitched by her for more than twelve months! The prosecutrix, alarmed at the general impression which appeared to be raised against her, went, on the night of the 26th of November, to the house of the elder prisoner, whom she met in the dark passage of her house, and said, in a very simple manner, that she came to know the foundation of the reports which had been circulated respecting her. The prisoner viewed the visit as a providential one for executing her purpose of drawing blood, and, with horrible imprecations, seized the old woman. The two daughters, upon hearing the noise, rushed out and instantly fell upon the prosecutrix, who was dragged to the floor, and one of them fetched a nail, as the first thing in the way, and began to lacerate the old woman's arm in the most ferocious manner, whilst the other two held her.

Ann Burgess was first called. She was a fine hale-looking old woman, 68 years of age, of rather imposing gravity. She deposed,—

I know the prisoners, the mother and the two daughters. They live about a quarter of a mile from me. On the 26th of November I went to her house (Mrs. Bryant's,) and met her in the passage, which is dark. I said, "Betty Bryant, I be come to ask you a civil question, whether I bewitched your daughter?" She said, "Yes, you have, you d——d old witch; you have bewitched her for the last twelve months;" and she said she was 10l. the worse for it, and she would be totally d——d if she would not kill me. They all came out together and fell upon me. The little daughter drew out my arm and held it, whilst one of the others cut at it. The eldest of them said, "Bring me a knife, that we may cut the flesh off the old wretch's arms." They tore my arms all over with an iron nail. The old woman here described the manner in which the prisoners performed the operation. She was ill from the wounds on her arm; there was a woman who accompanied witness, who came in and dragged her away from their fury. It

appeared further, that witness and her friend cried out "Murder" as loud as they could, and a mob assembled in the street round the door; but they did not choose to interfere, because the old woman, on whom the prisoners were exercising their fury, was a witch. Two of the prisoners, the mother and the elder daughter, continued to hold the old woman as she struggled on the ground for her life (as she expressed it,) whilst the younger daughter, with the first instrument which came to hand, a large nail, lacerated her arm in a most dreadful manner. This was done for nearly ten minutes, the mob standing by nearly the whole of the time; and the old woman was rescued only by the vigorous efforts of her companion. She did not doubt, that if a knife had been in the way when she presented herself at the door, she would have been murdered.

Cross-examined. Do not the people of Wiveliscombe account you to be a witch?

The old woman (with great agitation) Oh dear! oh dear! that I should live to be three score and eight years old, and be accounted a witch at last. Oh dear, what will come of me?

Well, it is very hard, certainly; but do they not account you to be a witch?

It was some time before the old woman could give an intelligible answer, but she said, that she never had been accounted a witch in her life (God forbid) by any one, before the prisoners circulated about the town that she was so, and had exercised her infernal influence over one of them. She always tried to live righteously and peaceably, without doing any harm to any one. She was greatly afflicted at the injurious supposition.

Elizabeth Collard deposed that she was an acquaintance of the elder prisoner, and met her on the morning of the day on which the assault took place, not having seen her before for a long time. Witness said, "We were talking about our troubles, when she told me that her troubles were greater than mine or anybody's troubles, for they were not mortal troubles. She said her daughter had been bewitched for the last twelve months, and that she had been to consult old Baker, the Devonshire wizard, about her case, who had given her a recipe against witchcraft, and told her, that blood must be drawn from the witch to break the charm. She said that old Mrs. Burgess was the witch, and that she was going to get blood from her." She was in such a way, that I thought she would have gone immediately to Mrs. Burgess to have drawn blood, but I advised her not to do so, and to let old Baker punish her, if she was really the witch.

Mr. Justice Burrough. Who is old Baker?

Witness. Oh, my lord, he is a great conjurer, the people say. He is a good deal looked up to by the poor people in these parts.

Mr. Justice Burrough. I wish we had the fellow here. Tell him, that if he does not leave off conjuring, he will be caught and charmed in a manner that he will not like.

The witness resumed.—"I pitied the woman, she was in such a world of troubles; and, besides that, she had a great many afflictions with her family, but she appeared to feel the bewitching

of her daughter very deeply. I asked how the witchcraft worked upon her, when she told me that when her daughter was worked upon, she would dance and sing, just as if she was dancing and singing to a fiddle, in a way that there was no stopping her before she dropped down, when the fiend left her. Whilst the fit was upon her, she would look wished (wild or affrighted) and point at something, crying, 'There she stands! there she stands!' (the witch.) I felt for the daughter very much. Her state is very pitiable, my lord.

The jury found all the prisoners *Guilty;* and the sentence was, that they should be each imprisoned in the county gaol, for the space of four calendar months.

The following is a copy of the amulet which the man Baker gave as a charm against witchcraft, and also of the recipe or direction for breaking the charm:—

"The gar of mixtur is to be mixt with half pint of gen (*i. e.* gin,) and then a tablespoon to be taken mornings and at eleven o'clock four and eight, and four of the pills to be taken every morning fasting, and the paper of powder to be divided in ten parts, and one part to be taken every night, going to bed, in a little honey."

"The paper of arbs (herbs) is to be burnt, a small bit at a time, on a few coals, with a little hay and rosemary, and while it is burning, read the two first verses of the 68th Salm, and say the Lord's prayer after.

(Signed) "B. Baker."

The time at which all this was done was midnight, and with other attendant ceremonies and circumstances, for which he gave instructions. The verses, with which the incantation was to be completed are the following, which, it will be agreed, are well chosen for effect:—

Exurgat Deus, &c. "Let God arise, and let his enemies be scattered: let them also, that hate him, flee before him.

"Like as the smoke vanisheth, so shalt thou drive them away: and like as wax melteth at the fire, so let the ungodly perish at the presence of God."

As the preparations were taken by the ignorant creatures, it could not be ascertained what they were, whether medicinal or mere rubbish. After the rites had been all performed, such was the effect upon the imagination of the girl (aged 22) who fancied herself possessed, that she had not had a fit since. The act of drawing blood from the supposed witch remained to be performed, in order to break the charm entirely,

and to prevent it from returning, which ceremony was performed in the manner stated on the trial.

W. B. DYSON,

FOR THE MURDER OF ELIZABETH ANTHONY.

At the Old Bailey, September 12, 1822.

Elizabeth Bell stated, that she knew the prisoner and the deceased. She recollected their lodging together, as man and wife, at Mr. Williams's; in Sherrard-street, they left Williams's on the 25th of July; witness dined with them on that day, and parted from them at nine that night. They both appeared very dejected; about twelve at night on the 25th of July, prisoner came to witness's lodgings; she went down to the door to him, and she saw Anthony in in the street, a little way from the house, when she was talking to Dyson; about two o'clock in the morning of the 26th, the prisoner returned to witness's lodgings and appeared wet; witness said, "Where is Eliza?" Prisoner answered, "Poor thing, she is no more; she is drowned." He said he could not save her; witness went up stairs for a light: on her return, he said it was distress that drove him to it, and he meant to have destroyed himself.

Prisoner was affectionately attached to Eliza Anthony, and wanted witness to let her sleep with her the night of her death. He was dripping wet when he returned, and desired witness to tell every one of the death of Eliza, and to acquaint the deceased's mother of the circumstance; he never attempted to escape. Witness, from her knowledge of the prisoner, thought that he would not hurt a worm. Witness, from deceased herself, knew that prisoner wished to marry her.

Robert Rownsley said, he was a watchman in Jermyn street, and remembered seeing prisoner on Saturday, the 26th of July, at half-past one in the morning, near St. James's market, crying out—"My God, my God, what have I done!" Witness said "You have done something wrong." Prisoner then went to the house, No. 135, Jermyn Street, and rang the bell violently. Witness went up to him, and he said, "It is all right, my name is Dyson.

John Rayne, a private watchman at the Speaker's, recollected on the 25th of July, being on duty at night, as usual, when he heard the cry of murder, which appeared to come from the river; on looking to the spot, he saw a man in a boat in apparent distress. He heard the man cry out, "Eliza, Eliza." The cry of murder proceeded from a female voice. Witness could not go to the spot, for he was locked in on the Speaker's premises. The tide had turned about twenty minutes before.

Mr. *Thomas Gaskel*, surgeon, opened the body of the deceased, by the direction of the jury. Witness was of opinion that no external violence had been used before death. He was led to this opinion by seeing no extravasated blood, or any other appearances which showed external violence had been used.

Mr. *Justice Best* stated to the jury, that there were three material points for their consideration. If the jury believed, that both the prisoner and the deceased went to the water to drown themselves, and that the deceased commanded, or prevailed on, the prisoner to throw herself over into the water, then the prisoner was guilty of murder. If the jury thought, that the prisoner went to the river to drown himself, and the deceased jumped overboard to save him, and was thus drowned, then the prisoner must be acquitted. On the other hand, if the jury believed that the prisoner had pushed her in against her will, then of course he must be found guilty.

The jury retired for about twenty minutes, and on their return, the foreman pronounced the verdict, "*Guilty*," believing that they both went to the water to drown themselves."

Mr. *Justice Best* then recorded the verdict. After the lapse of a few minutes, he said, "You believe, gentlemen, that the prisoner honestly intended to drown himself?"

The *Foreman*.—Certainly.

The prisoner was then taken from the bar; the point being reserved for the consideration of the judges, and he received subsequently a free pardon.

THE ROXBOROUGHS,

FOR WITCHCRAFT AND ROBBERY,

At Stafford, Oct. 1823.

James Roxburgh and Sarah his wife, were indicted for stealing 25l. the property of a tradesman of Hanley.

The wife of the prosecutor at Hanley, saw the prisoner, Sarah Roxborough, on the 15th of August, when she told her that she could "rule the planets, recover stolen goods, and get bad debts." On the 18th witness again had an interview with her, when she stated she would get bad debts in for a shilling in the pound. Witness saw her again on the 22d and made an agreement with her to come to her husband's house on the 26th. According to agreement, prisoner named about ten o'clock in the morning of that day, and desired witness to have a fire made in a small room above stairs, as the one below would not be private enough—she also requested

witness to procure twenty-five one-pound notes, or five five-pound notes, and place them in her bosom immediately, where they were to remain till nine o'clock at night. Witness applied to her husband for the notes, which he allowed her to have—they were twenty-five of Kinnersley's notes; and she prepared a fire in the magic chamber. Mrs. Roxborough came again to her husband's house a little after two o'clock, and proceeded to the room up stairs, witness going with her. The prisoner then sent witness down stairs twice—the first time for a few pins, and the second for some of her husband's hair. She then inquired whether the notes had been obtained? Witness first answered negatively, but afterwards said she had them in her bosom. Prisoner then said, "I must have them out—I can go no further till I have them." Upon witness delivering the notes to her, the woman placed a little of Mr. R.'s hair between each, and wrapped them up in a piece of paper, which she had brought with her, and laid them on a chair. On witness attempting to replace them in her bosom, prisoner said, they must remain on the chair a few minutes, and asked for some chalk or pencil, neither of which articles were at hand. She then desired witness to stand in a certain part of the room, and gave her some pins to throw into the fire, which she was to watch till they were consumed. Witness divided her attention between the pins in the fire and the money on the chair, and, shortly after, observed the prisoner snatch up the notes, laying a roll similar to them in their place. Witness instantly charged her with taking the bills, but she denied it, and pronounced witness a false lying woman, who immediately called her husband.

The husband of the last witness said he gave his wife twenty-five pound notes of Kinnerley's bank on the 26th of August, and on that day Sarah Roxborough came to his house; he was called up stairs in the afternoon by his wife, into a back room, where he found the female prisoner; his wife said the woman had gotten the notes, and would not part with them; upon this he asked the prisoner what she had done with the notes, and she answered, "I have thrown them into the fire;" and offered to be searched. Witness examined her pockets, but could not find the money. Roxborough came into witness's shop a short time after he had been called up stairs, but witness did not know he was husband to the enchantress, or he should have detained him.

Cross-examined.—Had usually employed a lawyer to get his bad debts in, and found it better than employing a witch, for lawyers did not require 25l. to begin with.

Before the case went to the jury the court remarked that nothing in the evidence implicated the male prisoner, they had therefore to confine their attention to the female. They accordingly sentenced Sarah Roxborough to one year's imprisonment, but acquitted James Roxborough.

TRIAL OF THE PERSONS ACCUSED OF AN OUTRAGE UPON THE

LORD LIEUTENANT OF IRELAND,

February 3, 4, 5, 6, 7, and 8th,

At the King's Bench, Dublin,

1823.

THE traversers were placed at a side bench on the left of the bar-benches, in the following order, *Viz.*— *James Forbes, William Graham, George Brownlow, William Handwitch, George Graham,* and *Henry Handwitch.* They appeared to enter the court with considerable confidence: and the three former seemed to be persons of respectable condition. Fifteen counsel appeared for them

The first witness called was *Richard Lowther,* box-keeper to the theatre-royal, who deposed to the purchase of several pit-tickets of admission to the theatre for the evening upon which it was announced that his Excellency was to honour it with his presence. The tickets were purchased by the traversers, Forbes and William Graham, and another person.

George Atkinson, examined by the *Attorney-General.*

Knows of the endeavours made to produce disturbance in the theatre. They were planned in the Orange lodge, No. 1612. Forbes belongs to the lodge No. 1660, and W. Graham to the same; cannot tell the number of the lodge to which George Graham belongs; the two Handwitches belong to the lodge 780, and Brownlow to No. 1612. An assembly was held on the Friday evening before lord Wellesley went to the theatre, at the public-house in Werburg-street, belonging to Peter Daly. Lodge No. 1612 met there; it is a purple lodge, which is the next higher lodge above an Orange lodge, and it is required that a member should be eight months an orangeman before he can be admitted. There were about twenty people there: witness is a member; some were members, and some visitors; Forbes was there. Robert Fletcher, the master of the lodge, stood up, and proposed that a subscription should be raised for defraying the expenses of men going to the theatre who could not afford to pay for themselves. The purpose he mentioned was, that they should hiss and groan at his Excellency, and also the lord mayor; thatt hey did not like lord Wellesley, and it was on that account they intended to try, if possible, to force him to leave the theatre. It was understood among us all, what was the purpose of sending the men there. Heard from the persons there, that there had been a prior meeting at the Shakspeare tavern: it was there mentioned, that if they could force his Excellency to leave the theatre, it would stamp on the minds of the ministry the unpopularity of his Excellency's

government. The persons for whom the tickets were purchased, were to be sent to the upper-gallery, because it was considered, that the members of lodge 1612 would be enough for the pit, to which they were appointed. The members of that lodge were to attend early, and when the doors were opened, they were to force their way into the pit, and get on the left side near the box of the lord lieutenant, for the same purpose as they sent the other men to the upper gallery. Brownlow, the traverser, is a member of lodge 1612; and while they were speaking of the matter, after the play, he said he was in the pit, with numbers of the lodge 1612; and that there were numbers of them there, but not altogether in the spot appointed for them. Those members of the lower lodges, who could not afford to buy tickets for themselves, were to be sent to the upper gallery. Neither of the Handwitches were at the lodge that night. The party subscribed about one pound; two pounds were brought them by John Atkinson, the brother of witness, to be applied to the same purpose; it was all handed to John to purchase pit-tickets, in order to admit persons to the upper gallery, as every pit-ticket would admit three persons there. Witness went with his brother John, on that day, to where W. Handwitch works; saw him there; John told him to send H. Handwitch to Ship-street, where the other Orange lodge was held that evening, and also to bring as many as he could get of the poorer classes of orangemen, who could not provide tickets, to the sign of the Black Bull in that street. At four or five in the afternoon, saw Forbes, a person named M'Culloch, witness' brother John, Henry Handwitch, George Graham, and several others, at that house in Ship-street: one pit-ticket was given to every three, to give the poorer class, to admit them to the upper gallery; from twenty to thirty tickets were given, which would admit from sixty to ninety persons. There were about thirty persons present at the time; all that were at Ship-street went to the theatre that night; there were full as many in the theatre as left the lodge; they had sticks with them. It was then mentioned, that, after the tune of "God save the King," they should insist on the "Boyne Water" being played by the musicians; and they were not to let the play go on for the remainder of the evening, until it should be played. This was to be effected by their making as much noise as they could.

It was arranged on Saturday evening, that they might know one another by the words "Look out," which were to be used as the watch-word of the night. When Handwitch was going away, he said to the men that were going to the theatre, "Boys, be wicked." Witness saw that party afterwards in the upper gallery, on the opposite side to lord Wellesley: witness assisted in placing them in the gallery, along with Forbes, M'Culloch, John Atkinson, and Henry Handwitch: witness left them in about twenty minutes, and saw them after towards the centre of the gallery; saw Forbes in the house that night in the upper tier of boxes; he had a small whistle in his hand, and whistled with it—he was within half a yard of the gallery, and was speaking to some of the party in the gallery. This was after the first part of the

riot. Saw hand bills going about in different parts of the house—they were printed. Saw them before in manuscript with M'Culloch (they were produced and identified); saw M'Culloch dispersing them through the house, from the part of the house immediately over the lieutenant's box, and one of them fell on his cushion. Knows a person named Kelly; and did not see him at the theatre that night, but saw him after the play at a house in Essex-street, belonging to a person named Flanagan; saw Forbes throw some of the hand bills on the stage; heard whistles and shouts from the gallery; some cried out "A groan for the Popish Wellesley;" some one also cried out "Bald pated Wellesley, you may go home;" at that time there was much noise, and the performance was interrupted sometimes; after those expressions were used, he saw Forbes speaking to the people in the gallery; knows nothing of a bottle having been thrown. There was a good deal of conversation. Forbes made use of the expression "The devil mend him" (lord Wellesley), when speaking of the bottle having been thrown; that he did not care if he himself were transported, so as he could raise an orange lodge wherever he should be sent. There was no particular conversation, but a mere running conversation among themselves; they were speaking as to Handwitch being taken, and who was to go bail for him. Forbes asked some of them who had been in the pit, why they had not been more active? He said this to Brownlow, who answered, that those in the pit, did as much as those in any other part of the house. They said that Handwitch was charged with throwing the bottle. They expressed themselves in terms, that they were sorry, in fact, that the bottle did not take effect. Forbes, Brownlow, M'Culloch, and several others were present during the whole of this. The witness here identified all the traversers.

John Atkinson examined.—Had a meeting with some persons prior to the evening of his Excellency's going to the theatre; the subject of conversation was his excellency's intended visit; heard it mentioned more than once; the first meeting was at the Shakspeare tavern; it was mentioned there, that there ought to be some plan adopted to send some people to the theatre on the night of his going there, for the purpose of rendering lord Wellesley unpopular, that it might cause his removal. It was mentioned that they might cause him to leave the theatre, and ultimately the country. Witness received money from the persons present at the Shakspeare tavern. The money was to purchase tickets to send persons to the upper gallery; it was not necessary to send people to any other part of the house, as there would be plenty to go there at their own expense. Saw some of them again in the evening at Werburg-street, at Peter Daly's; Stoker, Heron, and H. Handwitch were there; also Fletcher, and a brother of Stoker; Handwitch was asked to get some people to go, and he undertook to do it. The witness proceeded to detail the arrangements made for placing the people in the theatre, as already mentioned by his brother George, on the previous day; he stated the preparations of the sticks, whistles, the rattle, spirits, and porter, and drinking it before going to the theatre, the purchase of the tickets, &c. Forbes, M'Culloch, with witness and his brother, went with the men to

the upper gallery, and then to the boxes; whistles were distributed at Daly's, in Ship-street; witness held the stock-purse, and purchased those things: The witness proceeded to state the conversation in Flanagan's hotel, in Essex-street, where Forbes, Wm. Graham, Brownlow, and others attended,

Dr. Macnamara resides in Ballinakill; was in the middle gallery that night; saw a good deal of disturbance; heard scurrilous words of the lord lieutenant and the lord mayor—"A groan for the knave of clubs"—"No popish guard for the College Green—"A clap for lord O'Neil, lord Talbot, and alderman Darley; heard a voice cry out, "Boys, mind your fire;" was made uneasy; looked to the upper gallery: saw a man raise his arm, and throw something from him; the view was a moment obstructed, but he traced its transit, and saw it taken up; it was a bottle; it was thrown from the left extremity of the upper gallery; he identifies Henry Handwitch as the person who threw it; never saw him since till this day, and knew him immediately.

The previous statements were corroborated by several other witnesses. The case for the prosecution was closed on the 3rd day of the trial.

After the counsel for the traversers had addressed the jury, they called the following witnesses:—*Frederick French*, Esq, of Ballinakill, Queen's county. Mr. *John Pounden*; Mr. *Benjamin Smith*; Mr. *Charles Borad*, of the Theatre-royal; lady *Rossmore*; and Mr. *J. H. Brocas*.

One of the traversers counsel had asserted it to be a right of persons to mark at a public theatre their pleasure or displeasure with a public character. This doctrine the court unanimously disapproved of. The audience might, if they pleased, hoot the performance or the actor, who was dependent on their approbation or caprice; but not even in the case of an actor, would they be permitted to commit a riot or assault; and if the insult or assault towards him was not the impulse of sudden feeling, but appeared to be the execution of a premeditated conspiracy—then it became highly criminal. The Chief Justice recapitulated the several counts of the indictment, and proposed four questions, as calculated to aid them in the verdict to which they might agree—1st, whether the traversers were at the theatre on the fourteenth of December; 2nd, if there was evidence to inculpate the accused parties with being participators in the riot, and to what extent they were severally inculpated; 3rdly, whether the character of evidence was such as to induce the jury to believe that that riot proceeded from the impulse of sudden feeling, or was the result of preconcerted plan; and 4thly, whether the evidence brought home to the traversers the guilt of being implicated in such conspiracy if it did exist. His lordship then read to the jury the whole of the evidence during the three days' trial, and concluded by a most eloquent appeal to them to disencumber the trial of any extraneous matter of prejudice and topic of irrelevant tendency.

Mr. Justice Jebb, Mr. Justice Burton, and Mr. Jus-

tice Vandaleur, expressed their entire concurrence with the law and observations which had fallen from the Chief Justice. The jury retired at 4 o'clock.

The judges remained on the bench until after five o'clock, waiting their return to court: but learning that delay was likely to occur, the judges retired, intimating that two of them would return at nine to receive the verdict.

Judges Burton and Vandaleur arrived at nine and ordered the jury to be summoned. The order was instantly obeyed; they appeared in court, and on being asked if they had determined as to the verdict, replied that *they had not, and they were not likely to agree.* The foreman then requested that he and his brother jurors might be discharged. The judges refused to comply, and ordered the sheriff to take charge of the jury, to lock them up in their chamber; and to keep the key.

The tipstaff of the court was sworn not to allow any communication with the jury, and to keep watch outside.

On Saturday morning, at a quarter past ten, Mr. Justice Jebb came into the court, and being informed that the jury had not yet agreed on their verdict, ordered them to be called into the box.

The jury appeared very much fatigued; when the learned judge asked them, did they disagree on any point of law?

The foreman turned round to consult his fellow jurors: and, while in consultation,

Mr. Neil M'Kenny, a juror, addressed the court, and said, they did not disagree on any point of law.

Mr. *Justice Jebb.* Gentlemen retire to your jury-room.

The jury again retired, and at half past eleven,

Judge Jebb ordered the jury to be again called into court, and asked them, if they had yet agreed on their verdict?

The foreman replied, they had not.

They were again ordered to retire, and shortly after

The *Attorney-general* stated to the court, that the proceedings which had taken place in this court, would not prevent him from bringing the matter forward again next term.

The Attorney-general then sat down, and the jury were again called, when

Judge Jebb put it to the Attorney-general, whether, as he would be obliged to discharge the jury at three o'clock, it might not, as a matter of favour (as they were not likely to agree in their verdict), be well to discharge them now, to which suggestion the Attorney general consented.

THOMAS RANDALL AND JAMES CROKER,
FOR MURDER,
At Aylesbury, March 4, 1823.

Thomas Randall and *James Croker*, being arraigned for the murder of Mr. and Mrs. Needle: Randall pleaded *not guilty*, but Croker pleaded *guilty*. His lordship endeavoured to persuade the latter to withdraw that plea; but the question being again put, the same plea was persisted in, and recorded by the court.

James Wyatt, a coachman, stated that on Wednesday morning, November 20, he drove up to the Weston turnpike-gate at a quarter past six. In consequence of some information being given him by a youth, who stood at the door of the toll-house, he got down and went in; the door opened into the sitting-room; on going into another room to the left hand, he saw Mrs. Needle lying on her back, with her clothes on; her feet lay towards the door, and her head towards the bed; her husband was in bed with a sheet thrown over him; his arm was raised, and he grasped the sheet in his hand; both were dead, quite cold and stiff.

Mr. *W. Hayward*, surgeon, of Aylesbury, examined the bodies: Needle lay on his left side in bed, undressed; he found a fracture on the right side of the skull, and a wound over his right eye, about one inch in length, and half an inch in depth; the right ear was much lacerated and torn, apparently by hard blows; there was a lacerated wound on the back of the left hand, which was raised over the right eye, as if to protect the head from blows. The instrument with which it was done, must have been flat or blunt.

Mary Todd deposed, that she keeps a lodging house on Walton-green, Aylesbury. The prisoner had lodged at her house, and he brought his wife with him on the Saturday preceding the murder being committed. After having refreshed himself, he went away, and did not return till the following morning: his wife slept at her house during the night. Prisoner returned next morning, and remained all day at her house. Croker came there on the afternoon of Sunday; all three slept at her house on Sunday night. Having breakfasted on Monday morning, Randall and Croker said

they would take a walk; returned at half-past four in the afternoon; they had their supper and went to bed; saw them all next morning (Tuesday); they left it about nine o'clock, and she had not seen them from that time to this. The toll-house is about two miles from Walton-green.

Charles Finch stated, that he was at work on the turnpike-road between Aylesbury and Aston Clinton, on Monday, the 18th of November. Elisha Thorn was also at work near him, on the same day. About a quarter of a mile on the Aylesbury side of Weston gate, he saw the two prisoners pass about half-past ten in the morning of that day; he saw them again between four and five o'clock the same day, on the Aston side of the gate, on their way to Tring; was at work next morning (Tuesday) on the road; the two prisoners passed him near Aston, in company with a woman: Randall wore a light drab cloth coat, and worsted cord breeches; had on a pair of laced up shoes, and carried a bundle under his arm; saw them when in custody; Randall had changed his coat and had it thrown over his shoulders.

William Martin went in company with Mr. Clark, both constables of Tring, to Berkhampstead, in pursuit of the prisoners, on the alarm of murder being spread; got information, and followed them to Gaddesdon; took Randall into custody at the Bridgewater Arms, and found on his person some silver and halfpence, a piece of candle, matches, large clasp knife, &c. he had two bundles in his possession, also a pair of shoes. His coat and handkerchief were bloody in several places; the marks had been defaced, but they appeared at that time very plain. [The coat and handkerchief were produced and examined by the jury; the stains of blood were still very evident.]

Martha Barnacle (the prisoner's companion) deposed, that on Monday morning, Croker said he was going to Oxford; witness begged of Randall not to go with him, for she did not like his habits; they went to the door and conversed secretly. Randall said he was going to Tring to sell a great coat; they returned together about five o'clock, with some pork steaks; Randall showed her four gowns, and said he had found them between Tring and Aylesbury; all slept at Todd's that night. Randall slept with witness, and told her that he knew of a girl who had a hundred pounds who was in love with him, and wanted to run away with him—she had packed up her clothes, and all was ready; witness said, why did you not bring her with you? Randall said, he did not love her, but he knew the house, and he and Jem would try if they could not get the money without her; witness begged of him not to go, but he persisted in it. Croker went by the name of James. Next morning (Tuesday), they all set out for Berkhampstead; on the road between Aylesbury and Tring, Croker sat down and smoked his pipe; Randall went over a hedge and fetched a bundle of leather, which had been hidden there. They then went to the Green Man, at Tring; Croker went first, and witness and Randall followed. They had some refreshment, and left Croker there, while Randall went on with her to Berkhampstead; he took her to Cooke's lodging-house, and went away; came to her again next morning, and was very

wet; witness asked him to have breakfast; he said "No, James is at the canal bridge, and we will all breakfast together on the way;" she again pressed him to stay to breakfast, but he would not; witness got her things ready and went with him; when she found they were not going direct for London, she asked the reason, and was told by Randall they could not, for they had bundles concealed near Berkhampstead, which they intended to fetch at night; she then asked him "if they had got the hundred pounds?" He said "No, we have had a very bad night of it; but we have enough to take us to London."

William Woods identified the shoes on Randall; said, he had known Edward Needle upwards of twenty years; had compared nails found in Needle's house with those in his shoes; they corresponded. He also identified a pair of gloves, by the one for the right hand being very much worn with the stick which Needle always carried when walking. A pistol he positively swore to, as he had taken a piece off the end of the barrel for him with a file; the marks of the file were still upon it. Several articles of wearing apparel were also positively sworn to by the witness.

The jury immediately returned a verdict of *Guilty*.

The judge then passed sentence of death upon them, and they were executed accordingly.

PHILLIP STOFFEL AND CHARLES KEPPEL,

FOR MURDER

Tried at Croydon, July 25, 1823.

On Tuesday, April 8, Mrs. Richards, a widow, was found murdered in her house at Clapham, and suspicion falling on Philip Stoffel, her nephew, Charles Keppel, and Thomas Scot, they were apprehended, and committed for trial, when the following witnesses were adduced, and Scot, the accomplice, became evidence for the crown.

Sophia Jones.—I am a dress-maker at Clapham; I was a neighbour of the late Mrs. Richards, to whom I went every Tuesday to read the newspaper. On Tuesday, the 8th of April, I went to her house a little after eight o'clock; I knocked at her door, nobody came to answer; I then looked through the key-hole, but it was quite dark, and I could see nothing; I stayed a minute longer, and was just going away, when the door became open a little; I then said "Mrs. Richards, it's I." Getting no answer, I went into the front room in which she usually sat; I called again, "Mrs. Richards! Mrs. Richards!" and then I saw her laid down all her length. Not receiving an answer, I went out to fetch Mrs. Stratton, who lived three doors off; I returned to the house with her; we saw a poker under the window on the outside of the house; we then went to her neighbours, Mr. Miller, and Mr. Glasier; we entered the parlour altogether: as soon as I saw the body lying, I went out frightened: I recollect her watch hanging up constantly in her parlour.

Thomas Scot, the accomplice.—I know both the prisoners at the bar, and was in company with them on the afternoon of Tuesday, April 8th, at the Princess of Wales, near the Asylum for the Blind, in the London Road. There was another man of the name of Pritchard with us; he is not in custody. We saw Mary Smith and Betsy Dell outside the door there. We all drank beer there for about ten minutes. From the Princess of Wales we went to Clapham. We set out about ten minutes past seven. We were about three quarters of an hour in going to Clapham. We stopped near the Clapham workhouse, when I said, I hoped they were not going to murder or hurt the old lady; for if they were, I would not go any further with them. Before we left the London-road, Stoffel told me, that we were going to Clapham. Stoffel asked Pritchard and Keppel, whether they would go with him to Clapham to get some money. He said that he had got an old aunt with plenty of money, which they could get with ease. Keppel asked, how they were to get into the house. Stoffel pulled out a brown paper parcel from his pocket, tied round with a string, and sealed with black wax, directed for "Mrs. Bell, at Mrs. Richards', Clapham, Surrey." He said that would be an admittance. Stoffel planned in the Clapham-road, that I should deliver the parcel. At that time Keppel and Pritchard said, that they would not hurt the old woman. We then proceeded to Clapham, and came to Mrs. Richards's. Stoffel showed us the house. Keppel and Pritchard stood near the window. I stood opposite the door. Stoffel stood by my side, nearest the window. Stoffel knocked at the door; the old lady said, "Who is there?" I said, "Here's a parcel for Mrs. Bell."

Robert Hall, an officer of Union Hall, produced a parcel.

The witness continued.—That is the parcel. Mrs. Richards opened the door and took it to the light. She then put on her spectacles. Stoffel came in, and said, "My good old creature, we don't wish to hurt you, we only wish you to be quiet. Stoffel was not disguised, and there were fire and candle in the room. Mrs. Richards said, "Oh Lord! Oh dear!" On her

saying so, Stoffel put his hand before her mouth. The old lady then fell, as if fainting. Keppel and Pritchard then came in, when Stoffel called on them to hold her, because he knew where the money was. Keppel seized the old lady, and put his hand over her mouth. Stoffel and Pritchard went up stairs with the light, and left me and Keppel in the room. I took the watch that was hanging over the fire-place, fastened the front door, and followed them up stairs. I left Keppel with Mrs. Richards. We were not longer than three or four minutes up stairs. We searched the back-room up stairs. We took out of it five gowns, and three or four silk-handkerchiefs. We broke open no box or lock. We then came down stairs into the parlour. We found Mrs. Richards on the floor, and Keppel holding her down, with something white over her face, a handkerchief or apron, but I don't know which. Stoffel found a key hanging over the fire-place in the parlour; he opened the cupboard, and took out of it seven silver tea-spoons. Stoffel said there ought to be fifteen table-spoons, but he could not find them. There was a tea-caddy—on seeing it, he asked Keppel if he had seen any small keys? Keppel then put his hand into Mrs. Richards's pocket and pulled out her keys. With one of them Stoffel unlocked the caddy, and found three sovereigns and nine or ten shillings in silver, which Stoffel put nto his pocket. Stoffel said there was more money somewhere, but it was no use stopping. We all four then came to the door. Stoffel went out first, and we followed him. I was the last in; I put out the candle and shut the door close, but did not fasten it.

While we were in the house, Keppel was near Mrs. Richards, holding her on the floor. I took no steps to see whether she was alive or dead. I took one gown, one silk handkerchief, and the watch; Stoffel, Pritchard, and Keppel took the other property between them. Stoffel laid a poker on the outside of the window. Pritchard and I went on one side of the road, and Stoffel and Keppel on the other. We were about ten minutes in the house. As we were walking home, we turned up Love-lane, near Stockwell-green. Stoffel said to Keppel—"I hope the

old woman is not dead." Keppel said, "Oh, what odds." We then went to the Borough, and stopt at a house near the Mint. No conversation took place, but Stoffel and Pritchard took the articles from me and Keppel, and went into Perkins's, who keeps a bit of an old iron shop. We might be about three-quarters of an hour in walking from Clapham. Stoffel and Pritchard went into Perkins's with the articles, and I and Keppel into the Union public-house. It was then a little before nine o'clock. Stoffel and Pritchard came to us there in about ten minutes afterwards. When they joined us, Pritchard had the watch, which was in a metal case, in his fob. It was near eleven o'clock when we left the public-house. At that time Keppel and Pritchard were much in liquor: they were so drunk that they fell down into the gutter. I called to Stoffel to help them up, but he ran off, with the watch, and a sovereign in his pocket.

When Pritchard came into the public-house, he said that the articles were sold for 25s. Some young man assisted in picking up Keppel and Pritchard. I took them in a hackney coach, to a lodging-house in Kent-street. Not getting a lodging there, the coachman put them down at the Surrey watch-house. The night constable said, that drunken people must not be left there, and so we drove to Keppel's home, near Amelia Street, Walworth. I staid there about an hour, having first taken seven or eight shillings out of Keppel's pocket to pay the coach-hire, which was four shillings. I walked all night about the streets. The next morning I saw Keppel and Pritchard about seven o'clock at Keppel's house. We went from there to the Union public-house. Whilst we were there, Keppel and Pritchard said, I must have the watch and the sovereign. I denied it. Mr. Betteridge, the master of the public-house, said that the young man in the brown coat had it. We then went to the Princess of Wales in search of Stoffel, but did not find him. I had known Smith and Dell sometime before this: these two girls lived together in York-street, London-road: Keppel, Pritchard, and myself went to their lodgings, and stayed there for a few hours. On the Sunday following I went to Bristol, with Pritchard

and Keppel. We arrived there on the Wednesday night, and left it on the Saturday morning following for London.

Anne Hill.—Stoffel gave me a watch to pledge. I took it to Mr. Walmisley, a pawnbroker, in the London-road. I got 7s. for it, and a duplicate. I believe that to be the watch I pawned. I gave 7s. to Philip Stoffel.

Martha Hook.—I am niece to the late Mrs. Richards. Stoffel is a nephew of mine, and son of a niece of Mrs. Richards. I know my aunt had a watch. I believe that this watch is her's. I know it by the name of "Thomas Richards, London," marked on the plate.

The jury, after being absent about thirty-five minutes, returned with a verdict of *Guilty* against both the prisoners.

The Judge immediately pronounced sentence of death upon them; and they were executed, at the county gaol, Southwark.

JOHN THURTELL AND JOSEPH HUNT,

FOR THE MURDER OF WILLIAM WEARE,

At Hertford, January, 1824.

No case of secret murder ever perhaps created in England so great an interest as this. It was so deliberately planned, and the parties, well known in certain circles, were of respectable connexions and good education. Thurtell was the unworthy son of an alderman of Norwich, Probert, one accomplice, lived genteely, and was respectably connected, and Hunt, a singer by profession, seemed unlikely to engage in such atrocity.

Thurtell was dressed in a plum-coloured frock coat, with a drab waistcoat and gilt buttons, and white corded breeches. His neck had a black stock on, which fitted as usual stiffly up to the bottom of the cheek and end of the chin, and which therefore pushed forward the flesh on this part of the face so as to give an additionally sullen weight to the countenance. The lower part of the face was unusually large, muscular, and heavy, and appeared to hang like a load to the head, and to make it drop like the mastiff's jowl. The upper lip was long and large, and the mouth had a severe and dogged appearance. His nose was rather small for such a face, but it was not badly shaped: his eyes too were small and buried

deep under his protruding forehead, so indeed as to defy detection of their colour. The forehead was extremely strong, bony, and knotted;—and the eye-brows were forcibly marked though irregular;—that over the right eye being nearly straight, and that on the left turning up to a point so as to give a very painful expression to the whole face. His hair was of a good lightish brown, and not worn after any fashion. His frame was exceedingly well knit and athletic.

The deceased was a man addicted to play, and connected with gaming-houses. Thurtell had been his acquaintance, and in some practices of play, had been wronged by him of a large sum of money. The other prisoner, Hunt, was a public singer, and also known to Weare, but not in habits of friendship. Probert, who was admitted as an evidence, had been in trade as a spirit-dealer, and rented a cottage in Gill's-hill-lane, situated in a bye-lane, going out of the London-road to St. Alban's, and two or three miles beyond Elstree. Probert was himself much engaged in London, and his wife generally resided at the cottage, which was fully occupied in the accommodation of Mrs. Probert, her sister, (Miss Noyes,) some children of Thomas Thurtell's, (the prisoner's brother,) and a maid and boy servant. The deceased had been invited by John Thurtell, to this place, to partake a day or two's shooting; and he met the deceased at a billiard-room, kept by one Rexworthy, on the Thursday night previous to the murder, and they were joined there by Hunt. On the forenoon of Friday, October 24, the deceased was with Rexworthy at the same place, and said he was going for a day's shooting into the country. Weare went from the billiard-rooms between three and four o'clock, to his chambers in Lyon's-Inn, where he packed, in a green carpet bag, some clothes, and a change of linen. He also took with him a double-barrelled gun, and a backgammon board, dice, &c. He left his chambers in a hackney coach, before four o'clock, and drove to the New-road, where he went out of the coach, and returned after some time, accompanied by another person, and took his things away.

In the morning, two men answering to the description of John Thurtell and Hunt, went to a pawnbroker's in Mary-le-bone, and purchased a pair of pocket-pistols. And in the middle of the day, Hunt hired a gig, afterwards a horse, and procured a sack and cord. They met the same afternoon, at Tetsall's, in Conduit-street, Thomas Thurtell and Noyes, and Hunt was heard to ask Probert if he "would be in it,"—meaning what they (Hunt and John Thurtell) were about. Thurtell drove off from Tetsall's between four and five o'clock to take up a friend, as he said to Probert, "to be killed as he travelled with him;" an expression which Probert said at the time he believed to have been a piece of idle bravado. He requested Probert to bring down Hunt in his own gig. Probert, according to Thurtell's request, drove Hunt down in his gig, and, having a better horse, on the road they passed Thurtell and Weare in the gig. They stopped afterwards at a pub-

lic-house to drink grog, and at Phillimore-lodge, Hunt got out, as he said, by Thurtell's desire, to wait for him. Probert from thence drove along to Gill's-hill cottage, in the lane near which he met Thurtell, on foot, alone. He said he had done the business without his assistance, and had killed his man, and, at his desire, Probert returned to bring Hunt to the spot. When Thurtell rebuked Hunt for his absence; "Why (said the latter,) you had the tools." "They were no good," replied Thurtell; "the pistols were no better than pop-guns. I fired at his cheek, and it glanced off"—that Weare ran out of the gig, cried for mercy, and offered to return the money he had won of him—that he (Thurtell) pursued him up the lane when he jumped out of the gig. Finding the pistol unavailing, he attempted to reach him by cutting the penknife across his throat, and ultimately finished him by driving the barrel of the pistol into his head, and turning it in his brains, after he had penetrated the forehead. Five minutes after that period, certain persons, who happened to be in the road, distinctly heard the report of a gun or pistol, which was followed by voices, as if in contention. Violent groans were next heard, which became fainter and fainter, then died away altogether. Thurtell arrived at about nine o'clock in the evening at Probert's cottage, having set off from Conduit-street at five o'clock; and he arrived at the cottage, having in his possession the double-barrelled gun, the green carpet-bag, and the backgammon-board, which Mr. Weare took with him. Neither Thurtell nor Hunt was expected by Mrs. Probert. With Thurtell she was acquainted; but Hunt was a stranger, and was formally introduced to her. They then supped on some pork chops, which Hunt had brought with him from London. They then went out, as Probert said, to visit Mr. Nicholls, a neighbour of his; but their real object was to go down to the place where the body of Weare was deposited. Thurtell took them to the spot down the lane, and the body was dragged through the hedge into the adjoining field. The body was then enclosed in the sack bought by Hunt. They then effectually rifled the deceased man, Thurtell having informed his companions, that he had, in the first instance, taken part of the property. They then went back to the cottage.

In the course of the evening Thurtell produced a gold watch, without a chain, which occasioned several remarks. He also displayed a gold curb chain, which might be used for a watch, when doubled; or, when singled, might be worn round a lady's neck. On producing the chain, it was remarked that it was more fit for a lady than a gentleman; on which Thurtell pressed it on Mrs. Probert, and made her accept it, by putting it round her neck. An offer was afterwards made that a bed should be given to Thurtell and Hunt, which was to be accomplished by Miss Noyes giving up her bed, and sleeping with the children. This was refused, Thurtell and Hunt observing, that they would rather sit up. Something, however, occurred, which raised suspicion in the mind of Mrs. Probert. In consequence she did not go to bed, or undress herself. She went to the window and looked out, and saw that Probert, Hunt, and Thurtell, were in

the garden. They went down to the body, and, finding it too heavy to be removed, one of the horses was taken from the stable. The body was then thrown across the horse; and stones having been put into the sack, the body, with the sack, was thrown into the pond. Mrs. Probert distinctly saw something heavy drawn across the garden where Thurtell was, and her fears and suspicions being powerfully excited, she went down stairs and listened behind the parlour door. The parties now proceeded to share the booty; to the amount of 6*l*. each. The purse, the pocket-book, and certain papers which might lead to detection, were carefully burned. They remained up late; and Probert, when he went to bed, was surprised to find that his wife was not asleep. Hunt and Thurtell still continued to sit up in the parlour. The next morning, as early as six o'clock, Hunt and Thurtell were both seen out, and in the lane together. Some men who were at work there, observed them "grabbling" for something in the hedge. Thurtell observed, "that it was a very bad road, and that he had nearly been capsized there last night." Thinking something might have been lost on the spot, they searched after Hunt and Thurtell were gone. In one place, they found a quantity of blood, further on they discovered a bloody knife, and next they found a bloody pistol—one of the identical pair that were purchased by Hunt, and it bore marks of blood and brains. The spot was afterwards still further examined, and more blood was discovered, which had been concealed by branches and leaves, so that no doubt could be entertained that a murder had been committed. On the following morning, Saturday, the 25th of October, Thurtell and Hunt left Probert's cottage in the gig which Hunt had come down in, carrying away with them the gun, the carpet bag, and the backgammon-board, belonging to Mr. Weare; and these articles were taken to Hunt's lodgings, where they were afterwards found. When Hunt arrived in town on Saturday, he appeared to be unusually gay. He said, "We Turpin lads can do the trick. I am able to drink wine now, and I will drink nothing but wine." It was observed, that Thurtell's hands were very much scratched, and some remark having been made on the subject, he stated, "that they had been out netting partridges."

On Sunday, John Thurtell, Thomas Thurtell, Noyes, and Hunt, spent the day at Probert's cottage. Hunt went down dressed in a manner so very shabby, as to excite observation. But in the course of the day he went up stairs, and attired himself in very handsome clothes of the deceased, Mr. Weare. Probert wished the body to be removed from his pond, and Thurtell and Hunt promised to come down on Monday, and remove it, which they did. Hunt engaged Mrs. Probert in conversation, while Thurtell and Probert took the body out of the pond, put it into Thurtell's gig, and then gave notice to Hunt that the gig was ready. It appeared that the body was carried to a pond near Elstree, at a considerable distance from Probert's cottage, and there sunk, as it had before been in Probert's pond, in a sack containing a considerable quantity of stones. The parties who heard the report of the pistol in the lane on the Friday evening, and the discovery of

blood in the field, led, however, to great alarm amongst the magistracy. Inquiry was set on foot, and Thurtell, Hunt, and Probert were at length apprehended. Strict inquiries were made by the magistrates, but nothing was ascertained to prove to a certainty who was murdered. The body was, however, found on the Thursday, Hunt having confessed where it was deposited. As to Thurtell it was clear that he was the perpetrator of the murder; and with respect to Hunt and Probert, it was equally clear that they were accessories before the fact, but Probert was admitted king's evidence, and Hunt's first confession, made under promise, saved his life.

On the trial on the 7th of January, 1824, the officers and constables gave their accounts plainly and firmly, as gentlemen in their line generally do; and Mr. Ward, the surgeon of Watford, described the injuries of the deceased in a very intelligent manner. When Ruthven was called there was a great stir in the court, as it was known that he had in his possession several articles of great interest. He took his place in the witness box, and in the course of his examination deposited on the table a pistol, and a pistol key, the knife, a muslin handkerchief spotted with blood, —a shirt, similarly stained; and a waistcoat, into the pockets of which bloody hands had been thrust. A coat and a hat marked with blood were also produced. These all belonged to Thurtell, but he looked at them with perfect indifference. Ruthven then produced several articles belonging to the deceased,—the gun, the carpet bag, and the clothes;—there was the shooting jacket, with the dog whistle hanging at the button hole, the half dirty leggings, shooting shoes, and the linen: and even the sight of these things had no effect on either of the prisoners.

Symmonds the constable, when sworn, took from his pocket a white folded paper, which he carefully undid, and produced to the court the pistol with which the murder had been committed. The pan was opened, as the firing had left it, and was smeared with the black of gunpowder and the dingy stain of blood. The barrel was bloody, and in the muzzle a piece of tow was thrust, to keep in the murdered man's brains. Against the back of the pan were the short curled hairs, of a silver sabled hue, which had been literally dug from the man's head; they were glued to the pan

firmly with crusted blood!—This deadly and appalling instrument made all shudder, save the murderers, who, on the contrary, looked unconcernedly at it.

Thomas Thurtell, when called, seemed affected—but his brother seemed calm. Miss Noyes was very plain and very flippant. Rexworthy, the billiard-table keeper, spoke of his dead friend with great decision; but the brother of Weare was truly shocked, and his sincere grief exposed the art and trickery of many serious and hysterical witnesses. "The landlords," says an eye-witness, "were all thorough-bred landlords, sleek, sly, and rosy. The ostlers were *rather* overtaken,—all except he of the stable in Cross-street, who said all he knew clean out. Old John Butler, of the Bald-Faced Stag, had steadied himself with heavy liquor, and he contrived to eject his evidence out of his smock frock with tolerable correctness. Dick Bingham, another hero of the pitchfork, was quite *undisguised*, and he seemed to be confident and clear in proportion to the cordials and compounds."

"Little Addis, Probert's boy, was a boy of uncommon quickness and pretty manner. He was a nice ingenuous lad. When you saw his youth, his innocence, his pretty face and frankness, you shuddered to think of the characters he had associated with, and the scenes he had witnessed. His little artless foot had kicked up the bloody leaves; he had seen the stains fresh on the murderer's clothes, and his escape from death was miraculous!"

"The cook, Susan Woodroofe, had no prepossessing appearance. She had no great skill too in language, like Dan in John Bull, who when asked if he ever *deviated*, said—No!—he always *whistled*:—she, in speaking of the supper, when Mr. Bolland asked her if it was *postponed!* she replied—No! it was *pork!*"

When Probert, the accomplice, was called, he was ushered through the dock into the body of the court. The most intense interest at his entering the witness box was evidently felt by all persons, in which indeed even the prisoners joined. Hunt stood up, and looked much agitated:—Thurtell eyed the witness sternly and composedly. Probert did not seem the least ashamed

of his situation, but stood firmly up to answer Mr. Gurney, who very solemnly prefaced his examination with charging him to tell the whole truth. The face of Probert was marked with deceit in every lineament. The eyes were like those of a vicious horse, and the lips were thick and sensual. His forehead receded villanously in amongst a bush of grizzly black hair—and his ears projected out of the like cover. His head and legs were too small for his body, and altogether he was an awkward, dastardly, and a wretched looking animal. He gave the following account with no hesitation, or shame, and stood up against Mr. Andrews's exposure with a face of brass. Indeed, he seemed to fear nothing but death or bodily pain.

I occupied a cottage in Gill's-hill-lane six months before October last; my family consisted of Mrs. Probert, her two sisters (Misses Noyes,) part of the summer, a servant maid and a boy; in the month of October, only one Miss Noyes lived with us. In October also I had some children of Thomas Thurtell's, two—none of my own. T. Thurtell is a brother of the prisoner's. I have been for some time past acquainted with the prisoner, John Thurtell; he had been down to my cottage often, sporting with me; he knew the road to my cottage, and all the roads thereabouts, well. Gill's-hill-lane, in which my cottage was, was out of the high road to St. Alban's, at Radlett; my cottage was about a quarter of a mile from the high road. My regular way to the cottage would be to go along the high road through Radlett; there was a nearer way, but that was my usual way. My cottage was fourteen miles and a quarter from Tyburn turnpike. In the latter end of October, the week in which this happened, the prisoner, John Thurtell, lodged at Tetsall's, the Coach and Horses, in Conduit Street; Thomas Thurtell lodged there also. They were there every day that week. On Friday the 24th, I dined at Tetsall's with John Thurtell and Hunt; Thomas Thurtell and Noyes were there also. After dinner Thurtell said something to me about money. Four days previous to the 24th, I borrowed 10l. from John Thurtell; he then said, you must let me have it back on the Thursday or Friday; on the Thursday I saw him at Mr. Tetsall's, and he asked me if I had got the 10l.; I told him I had not; I had not collected any money. He said, I told you I should want it to-day or to-morrow, else it will be 300l. out of my pocket; but if you will let me have it to-morrow it will answer the same purpose. On the next day (Friday) I paid him 5l. I borrowed 5l. of Mr. Tetsall; that was after dinner. He then said, I think I shall go down to your cottage to-night; are you going down? and asked me if I could drive Hunt down. I said, yes. He said, I expect a friend to meet me this evening a little after five, and if he comes I shall go down. If I have an opportunity I mean to do him, for he is a man that has robbed me of several hundreds. He added, I have

told Hunt where to stop. I shall want him about a mile and a half beyond Elstree. If I should not go down, give Hunt a pound —which I did. Hunt had just come in, and Thurtell said, "there, Joe, there's a pound; if Probert don't come, hire a horse, you know where to stop for me." I do not know that Hunt made any answer; I gave him twenty shillings in silver; Thurtell left the Coach and Horses almost immediately, in a horse and chaise; it was a grey horse; I believe Hunt brought the horse and chaise; Thurtell left a little after five. I afterwards set off to go in my own gig; I took Hunt with me. When I came to the middle of Oxford-street, Hunt got out of the gig to purchase a loin of pork, by my request, for supper. When we came to the top of Oxford-street, Hunt said, "This is the place Jack is to take up his friend at." In our way down, we overtook Thurtell, about four miles from London. Hunt said to me, "There they are; drive by, and take no notice." He added, "It's all right, Jack has got him." There were two persons in the gig—Thurtell and another; I passed them and said nothing. I stopped at a public-house called the Bald-faced Stag, about seven miles from London, two miles short of Edgeware. It was then, perhaps, a quarter to seven. When Hunt said "It's all right," I asked him what was his name? Hunt replied. "You are not to know his name; you never saw him; you know nothing of him." I got out at the Bald-faced Stag; I supplied the house with spirits. Hunt walked on, and said, "I'll not go in, because I have not returned the horse-cloths I borrowed." I stopped about twenty minutes; I then drove on, and overtook Hunt about a quarter of a mile from Edgware. I took him up, and we drove to Mr. Clarke's, at Edgware. We had a glass of brandy and water. I should think we did not stop ten minutes; we went into the bar. We stopped a little further in Edgeware; and bought half a bushel of corn; I was out of corn at home; I put it in the gig. Hunt then said, "I wonder where Thurtell is; he can't have passed us." We then drove on to the Artichoke, kept by Mr. Field. We got there within about eight minutes of eight. Neither I nor Hunt got out. We had four or five glasses of brandy and water, waiting for the express purpose of Thurtell coming up; we thought we heard a horse and chaise, and started; I think we stopped more than three quarters of an hour at Elstree. We went about a mile and a half, to Mr. Phillimore's Lodge, to wait for Thurtell. Hunt said, I shall wait here for John Thurtell, and he got out on the road. I drove on through Radlett, towards my own cottage; when I came near my own cottage, within about a hundred yards, I met John Thurtell; he was on foot; he says "Hallo! where's Hunt?" I said I had left him waiting near Phillimore's Lodge for him; John Thurtell said to that, "Oh, I don't want him now, for I have done the trick;" he said he had killed his friend that he had brought down with him; he had ridded the country of a villain who had robbed him of three or four hundred pounds!" I said, "Good God! I hope you have not killed the man?" and he said "It's of no consequence to you, you don't know him, nor you never saw him; do you go back and fetch Hunt, you know best where you left him." I returned to the place where I left Hunt, and found him near the spot where I left him. Thurtell did not go. I said to Hunt, when

I took him up, "John Thurtell is at my house—he has killed his friend;" and Hunt said, "Thank God, I am out of it; I am glad he has done it without me; I can't think where the devil he could pass; I never saw him pass any where, but I'm glad I'm out of it." He said, "this is the place we were to have done it," (meaning near Phillimore's Lodge;) I asked him who the man was, and he said "You don't know him, and I shall not tell you;" he said it was a man that had robbed Jack of several hundred pounds, and they meant to have it back again; by that time I had reached my own house; John Thurtell stood at the gate; we drove into the yard; Hunt says, "Thurtell, where could you pass me?" Thurtell replied, "It don't matter where I passed you, I've done the trick—I have done it;" Thurtell said, "What the devil did you let Probert stop drinking at his d—d public-houses for, when you knew what was to be done?" Hunt said, "I made sure you were behind, or else we should not have stopped;" I then took the loin of pork into the kitchen and gave it to the servant to cook for supper. I then went into the parlour and introduced Hunt to Mrs. Probert; he had never been there before. Thurtell followed immediately; we had stopped in the yard a little time before we went in. I returned to the parlour and told Mrs. Probert we were going to Mr. Nichols's to get leave for a day's shooting; before we went out Thurtell took a sack and a cord with him. We then went down the lane, I carried the lantern; as we went along, Thurtell said, "I began to think, Hunt, you would not come." Hunt said, "We made sure you were behind." I walked foremost; Thurtell said, "Probert, he is just beyond the second turning." When he came to the second turning, he said, "Its a little further on." He at length said, "This is the place." We then looked about for a pistol and knife, but could not find either; we got over the hedge, and there found the body lying; the head was bound up in a shawl, I think a red one (here the shawl already produced, was shewn to witness;) I can't say that is the shawl. Thurtell searched the deceased's pockets, and found a pocket-book containing three five pound notes, a memorandum book, and some silver. John Thurtell said, "This is all he has got, I took the watch and purse when I killed him." The body was then put into a sack, head foremost; the sack came to the knees, and was tied with a cord; it was the sack John Thurtell had taken out of the gig; we then left the body there, and went towards home. Thurtell said, "When I first shot him he jumped out of the gig and ran like the devil, singing out that 'he would deliver all he had, if I'd only spare his life.'" John Thurtell said, "I jumped out of the gig and ran after him; I got him down, and began to cut his throat, as I thought, close to the jugular vein, but I could not stop his singing out; I then jammed the pistol into his head; I gave it a turn round, and then I knew I had done him." He then said to Hunt, "Joe, you ought to have been with me, for I thought at one time he would have got the better of me. These d—d pistols are like spits, they are of no use." Hunt said, "I should have thought one of those pistols would have killed him dead, but you had plenty of tools with you;" we then returned to the house and supped. In the course of the evening, after supper, John Thurtell produced a handsome gold watch; I think double cased; it

had a gold chain attached to it. He took off the chain and offered to make Mrs. Probert a present of it, saying it was more fit for a lady than a gentleman. Mrs. Probert refused for some time, but at length accepted of it. He put the watch and seal in his pocket; we had no spare bed that night; I asked when they would go to bed. I said my sister would sleep with Thomas Thurtell's children, and that they could have her bed. They answered they would sleep on the sofa. Hunt sang two or three songs after supper; he is a professional singer. Mrs. Probert and Miss Noyes went to bed between twelve and one. When they were gone, John Thurtell took out a pocket-book, a purse, and a memorandum-book; the purse contained sovereigns; I can't say how many. He took 15*l.* in notes from the pocket-book, and gave Hunt and myself a 5*l.* note and a sovereign each, saying—"that's your share of the blunt." There were several papers in the books; they and the purse and books were burnt; a carpet bag was opened. Thurtell said it had belonged to the man he had murdered; it contained wearing apparel and shooting materials; they were examined and put in again; I think two or three silk handkerchiefs were left out; there was also a backgammon-board, containing dice and cards; I also saw a double-barrelled gun; it was taken out of a case and looked at; all the things were taken away next day in a gig, by Thurtell and Hunt. After this, Thurtell said, "I mean to have Barber Beaumont and Woods;" Barber Beaumont is a director of a fire-office with which John Thurtell had some dispute; Woods is a young man in London who keeps company with Miss Noyes. It was a general conversation, and I cannot recollect the particulars; he might have mentioned other names, but I can't recollect them. Thurtell said to Hunt, "We must now go out and fetch the body, and put it in the pond." I said, "By G—d, you shant put it in the pond, you'll ruin me else." There is a pond in my ground. Thurtell said, "Had it not been for the mistake of Hunt I should have killed him in the other lane, and returned to town and enquired of his friends why he had not come." First only Thurtell and Hunt went out; when they came back, Hunt said, "Probert, he is too heavy, we can't carry him; we have only brought him a little way." Thurtell said, "will you go with us? I'll put the bridle on my horse and fetch him." I went out to the stable with him, and left Hunt waiting near the gate. Thurtell's horse was brought out, and Thurtell and I went down and brought the body on the horse; Hunt did not go with us. We took the body to Mr. Wardle's field, near my gate. Hunt took the horse back to the stable, and came back to the garden, and we dragged the body down the garden to the pond; we put some stones in the sack, and threw the body into the pond.

The man's feet were perhaps half a foot above the water; John Thurtell got a cord, threw it round the feet, and gave me the other end, and I dragged it into the centre of the pond, and it sunk. We all three returned to the cottage, and I went to bed almost immediately. I found my wife up; next morning, I came down about nine o'clock. Thurtell said, in presence of Hunt, that they had been down the lane to look for the pistol and knife, but neither

could be found. They asked me to go down the lane and seek them, in the course of the day, which I promised to do.

When I went down the lane, I saw a man at work near the spot, so I took no notice. That morning they went away after breakfast. On Sunday they came down again; and Thomas Thurtel and Mr. Noyes came also. Thomas Thurtell and Hunt came in a gig. Hunt brought a new spade with him. He said it was to dig a grave for deceased that he brought it. Hunt returned with the gig after setting down Thomas Thurtell, and brought John Thurtell and Mr. Noyes in the chaise. Hunt was very dirtily dressed when he came down, and went up stairs to change. When he came down, he was well dressed—in almost new clothes. Hunt said the clothes belonged to the deceased; he told me he had thrown a new spade over the hedge into my garden; I saw it afterwards; it was a new spade. John Thurtell and I walked to the pond. He asked me if the body had risen? I said, no; and he said it would lay there for a month. In the afternoon, Hewart called, and I went with him to Mr. Nicholls's.

On my return, I told Thurtell and Hunt that Mr. Nicholls had told me that some one had fired a pistol or gun off, in Gill's-hill-lane on Friday night, and that there were cries of murder, as though some one had been killed. He said it was about eight o'clock, and added, "I suppose it was done by some of your friends to frighten each other." John Thurtell said, "Then I'm baked." I said, "I am afraid it's a bad job, as Mr. Nicholls seems to know all about it; I am sorry it ever happened here, as I fear it will be my ruin." Thurtell said, "never mind, Probert, they can do nothing with you." I said the body must be immediately taken out of my pond again. Thurtell said, "I'll tell you what I'll do, Probert, after you are all gone to bed, Joe and I will take up the body and bury it." Hunt was present at this. I told them that would be as bad, if they buried it in the garden. John Thurtell said, "I'll bury him where you nor no one else can find him." As John Thurtell was going into the parlour, Hunt said, "Probert, they can do nothing with you or me, even if they do find it out, as we were neither of us at the murder." Thurtell and Hunt sat up all that night; I, Noyes, and Thomas Thurtell went to bed. Thomas Thurtell slept with his children. In the morning, John Thurtell and Hunt said they went to dig a grave, but the dogs were barking all night, and they thought some one was about the ground. John Thurtell said, "Joe and I will come down to-night and take him quite away, and that will be better for you altogether." Thomas Thurtell and Hunt, and my boy, Addis, went away in one chaise after breakfast, and John Thurtell, Thomas Noyes, and Miss Noyes in another. The boy was sent to town to be out of the way. That evening, John Thurtell and Hunt came again in a gig about nine; they took supper; after supper John Thurtell and I went to the stable, leaving Hunt talking to Mrs. Probert. Thurtell said, "Come, let's get the body up; while Hunt is talking to Mrs. Probert, she will not suspect." We went to the pond, and got the body up, we took it out of the sack, and cut the clothes all off it. We left the body naked on the grass, and returned to the parlour; we then went to the stables, and John Thurtell went to his gig, and took out a new sack and some

cord; we all three returned to the pond, and put the body headforemost into the sack; we all three carried it to the lower garden gate; we left Hunt waiting with the body, while Thurtell and I went round the pond. I carried the bundle of clothes, and threw it into the gig; we then put the horse too, and Thurtell said, "we had better leave the clothes here, Probert, there is not room for them." The clothes were left and the body was put into the gig. I refused to assist them in settling the body in the gig. They went away. I, next morning, burnt some of the clothes, and threw the rest away in different places. I was taken into custody on the Tuesday evening after they went away.

Mrs. *Probert*, his wife, gave her evidence drop by drop, and not then without great *squeezing*. Every dangerous question overcame her agitated nerves,—and she very properly took time to recover before she answered. The following was the sum of her evidence.

I remember the night of the 24th of October, when Mr. John Thurtell and Mr. Hunt came to Gill's-hill Cottage, to have heard the sound of a gig passing my cottage. It was about eight o'clock, I think. The bell of our cottage was rung nearly an hour after. After that ringing nobody came into our house. My husband came home that night nearly at ten. I came down stairs, found Mr. Probert, John Thurtell, and a stranger in the parlour. My husband introduced that stranger as Mr. Hunt, to me. I saw John Thurtell take out a gold chain, which he showed to me. It was a gold watch chain with a great deal of work about it; it was such a chain as this, I think (the chain was shown her). He offered to make it a present to me; I refused it for some time, and at last he gave it to me (she was shown the box and chain produced by the constable at Watford). I recollect giving the box and the chain to the constable, in the presence of the magistrates. When I and Miss Noyes went up stairs, we left John Thurtell, Hunt, and Mr. Probert in the room. I did not go to bed immediately; I went from my room to the stairs to listen; I leaned over the banisters. What I heard in leaning over the banisters was all in a whisper. What I heard at first was, I thought, about trying on clothes. The first I heard was, "This, I think, will fit you very well. I heard a noise like a rustling of papers on the table; I heard also something like the noise of papers thrown in the fire." I afterwards went up to my own chamber. Out of doors I saw something; I looked from my window, and saw two gentlemen go from the parlour to the stable; they led a horse out of the stable, and opened the yard gate and let the horse out. Some time after that I heard something in the garden; I heard something dragged, as it seemed, very heavily; it appeared to come from the stable to the garden; the garden is near the back gate; it was dragged along the dark walk; I had a view of it when they dragged it out of the dark walk; it seemed very large and heavy; it was in a sack. It was after this I heard the rustling of papers, and the conversation I have described. After the sack was dragged out of the dark walk, I had a view of it until it was half way down the walk to the pond. I had a good view of it so far. After this I heard a noise like a heap of stones thrown into

a pit, I can't describe it any other way; it was a hollow sound, I heard, besides what I have before mentioned, some further conversation. The first I heard was, I think, Hunt's voice; he said, "let us take a 5l. note each." I did not hear Thurtell say any thing; then—I am trying to recollect—I heard another voice say, "we must say there was a hare thrown up in the gig on the cushion—we must tell the boy so in the morning." I next heard a voice, I can't exactly say whose, "we had better be off to town by four or five o'clock in the morning; and then, I think, John Thurtell it was, who said, "we had better not go before eight or nine o'clock;" and the parlour door then shut. I heard John Thurtell say also, (I think it was his voice), "Holding shall be next." I rather think it was Hunt who next spoke; he asked, has he (Holding) got money? John Thurtell replied, "it is not money I want, it is revenge; it is," said John Thurtell, "Holding who has ruined my friend here." I did not at first understand who this friend was; I believe it meant, Mr. Probert, my husband; I cannot say whether Holding had any thing to do in the transactions of my husband's bankruptcy. "It was Holding," said John Thurtell, "who ruined my friend here, and destroyed my peace of mind." My husband came to bed about half-past one or two o'clock; I believe it was; I did not know exactly the hour.

At the close of the evidence for the crown, although in answer to his lordship's inquiry, the jury decided on going through the case;—they revoked that decision at the desire of John Thurtell, who strongly but respectfully pressed on their attention the long and harassing time he had stood at that bar; and begged for a night's cessation to recruit his strength previous to his making his defence. Hunt said nothing;—but Thurtell's manner was too earnest to admit of denial, and the court adjourned—an officer having been sworn to keep the jury apart from all persons.

The court re-assembled on the following morning, and the trial proceeded.

Ruthven and Thomas Thurtell were called on some trifling points—and in a short time, Mr. Justice Park informed John Thurtell, that he was ready to hear any observations he had to make. Thurtell intimated, in a murmur to Wilson, which Wilson interpreted to the court, that he wished his witnesses to be examined first, but this was refused, as being contrary to the practice.

Thurtell now seemed to retire within himself for half a minute,—and then slowly,—the crowd being breathlessly silent and anxious,—drawing in his breath, gathering up his frame, and looking very stedfastly at

the jury, he commenced his defence.—He spoke in a deep, measured, and unshaken tone;—accompanying it with a rather studied and theatrical action.

My Lord, and Gentlemen of the Jury,—Under greater difficulties than ever man encountered, I now rise to vindicate my character and defend my life. I have been supported in this hour of trial, by the knowledge that my cause is heard before an enlightened tribunal, and that the free institutions of my country have placed my destiny in the hands of twelve men, who are uninfluenced by prejudice, and unawed by power. I have been represented by the press, which carries its benefits or curses on rapid wings from one extremity of the kingdom to the other, as a man more depraved, more gratuitously and habitually profligate and cruel, than has ever appeared in modern times. I have been held up to the world as the perpetrator of a murder, under circumstances of greater aggravation, of more cruel and premeditated atrocity, than it ever before fell to the lot of man to have seen or heard of. I have been held forth to the world as a depraved, heartless, remorseless, prayerless villain, who had seduced my friend into a sequestered path, merely in order to dispatch him with the greater security—as a snake who had crept into his bosom only to strike a sure blow—as a monster, who after the perpetration of a deed from which the hardest heart recoils with horror, and at which humanity stands aghast, washed away the remembrance of my guilt in the midst of riot and debauchery. You, gentlemen, must have read the details which have been daily, I may say hourly, published regarding me. It would be requiring more than the usual virtue of our nature to expect that you should entirely divest your minds of those feelings, I may say those creditable feelings, which such relations must have excited; but I am satisfied, that as far as it is possible for men to enter into a grave investigation with minds unbiassed, and judgments unimpaired, after the calumnies with which the public mind has been deluged—I say, I am satisfied, that with such minds and such judgments, you have this day assumed your sacred office. The horrible guilt which has been attributed to me, is such as could not have resulted from custom, but must have been the innate principle of my infant mind, and have 'grown with my growth, and strengthened with my strength.' But I will call before you, gentlemen whose characters are unimpeachable, and whose testimony must be above suspicion, who will tell you, that the time was when my bosom overflowed with all the kindly feelings; and even my failings were those of an improvident generosity and unsuspecting friendship. Beware, then, gentlemen, of an anticipated verdict. Do not suffer the reports you have heard to influence your determination. Do not believe that a few short years can have reversed the course of nature, and converted the good feelings which I possessed into the spirit of malignant cruelty to which only demons can attain. A kind, affectionate, and religious mother directed the tender steps of my infancy, in the paths of piety and virtue. My rising youth was guided in the way that it should go by a father whose piety was universally known and believed—

whose kindness and charity extended to all who came within the sphere of its influence. After leaving my paternal roof, I entered into the service of our late revered monarch, who was justly entitled the "father of his people." You will learn from some of my honourable companions, that while I served under his colours, I never tarnished their lustre. The country which is dear to me I have served. I have fought for her. I have shed my blood for her. I feared not in the open field to shed the blood of her declared foes. But oh! to suppose that on that account I was ready to raise the assassin's arm against my friend, and with that view to draw him into secret places for his destruction—it is monstrous, horrible, incredible. I have been represented to you as a man who was given to gambling, and the constant companion of gamblers. To this accusation in some part my heart with feeling penitence pleads guilty. I have gambled. I have been a gambler, but not for the last three years. During that time I have not attended or betted upon a horse-race, or a fight, or any public exhibition of that nature. If I have erred in these things, half of the nobility of the land have been my examples; some of the most enlightened statesmen of the country have been my companions in them. I have indeed been a gambler—I have been an unfortunate one. But whose fortune have I ruined?—whom undone?—My own family have I ruined—I have undone myself! At this moment I feel the distress of my situation. But, gentlemen, let not this misfortune entice your verdict against me. Beware of your own feelings, when you are told by the highest authority, that the heart of man is deceitful above all things. Beware, gentlemen, of an anticipated verdict. It is the remark of a very sage and experienced writer of antiquity, that no man becomes wicked all at once. And with this, which I earnestly request you to bear in mind, I proceed to lay before you the whole career of my life. I will not tire you with tedious repetitions, but I will disclose enough of my past life to inform your judgments; leaving it to your clemency to supply whatever little defects you may observe. You will consider my misfortunes, and the situation in which I stand—the deep anxiety that I must feel—the object for which I have to strive. You may suppose something of all this; but oh! no pencil, though dipped in the lines of heaven, can portray my feelings at this crisis. Recollect, I again entreat you, my situation, and allow something for the workings of a mind little at ease; and pity and forgive the faults of my address.

The conclusion of the late war, which threw its lustre upon the fortunes of the nation generally, threw a gloomy shade over mine. I entered into a mercantile life with feelings as kind, and with a heart as warm, as I had carried with me in the service. I took the commercial world as if it had been governed by the same regulations as the army. I looked upon the merchants as if they had been my mess-companions. In my transactions I had with them my purse was as open, my heart as warm, to answer their demands, as they had been to any former associates. I need not say that any fortune, however ample, would have been insufficient to meet such a course of conduct. I, of course, became the sub-

ject of a commission of bankruptcy. My solicitor, in whom I had foolishly confided as my most particular friend, I discovered, too late, to have been a traitor—a man who was foremost in the ranks of my bitterest enemies. But for that man, I should still have been enabled to regain a station in society, and I should have yet preserved the esteem of my friends, and, above all, my own self-respect. But how often is it seen that the avarice of one creditor destroys the clemency of all the rest, and for ever dissipates the fair prospects of the unfortunate debtor. With the kind assistance of Mr. Thomas Oliver Springfield, I obtained the signature of all my creditors to a petition for superseding my bankruptcy. But just then, when I flattered myself that my ill fortune was about to close—that my blossoms were ripening—there came "a frost—a nipping frost." My chief creditor refused to sign unless he was paid a bonus of 300l. upon his debt beyond all the other creditors. This demand was backed by the man who was at the time his and my solicitor. I spurned the offer—I awakened his resentment. I was cast upon the world—my all disposed of—in the deepest distress. My brother afterwards availed himself of my misfortune, and entered into business. His warehouses were destroyed by the accident of a fire, as has been proved by the verdict of a jury on a trial at which the venerable judge now present presided. But that accident, unfortunate as it was, has been taken advantage of in order to insinuate that he was guilty of crime, because his property was destroyed by it, as will be proved by the verdict of an honest and upright jury in an action for conspiracy, which will be tried ere long before the Chief Justice of the King's Bench. A conspiracy there was—but where? Why, in the acts of the prosecutor himself, Mr. Barber Beaumont, who was guilty of suborning witnesses, and who will be proved to have paid for false testimony. Yes; this professed friend of the aggrieved—this pretended prosecutor of public abuses—this self-appointed supporter of the laws, who panders to rebellion, and has had the audacity to raise its standard in the front of the royal palace—this man, who has just head enough to contrive crime, but not heart enough to feel its consequences—this is the real author of the conspiracy which will shortly undergo legal investigation. To these particulars I have thought it necessary to call your attention, in language which you may think perhaps too warm—in terms not so measured, but that they may incur your reproof. But—

"The flesh will quiver where the pincers tear,
"The blood will follow where the knife is driven."

You have been told that I intended to decoy Woods to his destruction; and he has said that he saw me in the passage of the house. I can prove, by honest witnesses, fellow-citizens of my native city of Norwich, that I was *there* at that time; but, for the sake of an amiable and innocent female, who might be injured, I grant to Mr. Woods the mercy of my silence. When, before this, did it ever fall to the lot of any subject to be borne down by the weight of calumny and obloquy which now oppresses me? The

press, which ought to be the shield of public liberty, the avenger of public wrongs—which, above all, should have exerted itself to preserve the purity of its favourite institution, the trial by jury—has directed its whole force to my injury and prejudice; it has heaped slander upon slander, and whetted the public appetite for slanders more atrocious; nay more, what in other men would serve to refute and repel the shaft of calumny, is made to stain with a deeper dye the villanies ascribed to me. One would have thought, that some time spent in the service of my country would have entitled me to some favour from the public under a charge of this nature. But no; in my case the order of things is changed —nature is reversed. The acts of times long since past have been made to cast a deeper shadow over the acts attributed to me within the last few days; and the pursuit of a profession, hitherto held honourable among honourable men, has been turned to the advantage of the accusation against me. You have been told that after the battle, I boasted of my inhumanity to a vanquished, yielding, wounded enemy—that I made a wanton sacrifice of my bleeding and supplicating foe, by striking him to the earth with my cowardly steel; and that, after this deed of blood, I coldly sat down to plunder my unhappy victim. Nay, more—that with folly indescribable and incredible, I boasted of my barbarity as of a victory. Is there an English officer, is there an English soldier, or an English man, whose heart would not have revolted with hatred against such baseness and folly? Far better, gentlemen, would it have been for me, rather than have seen this day, to have fallen with my honourable companions, stemming and opposing the tide of battle upon the field of my country's glory. Then my father and my family, though they would have mourned my loss, would have blessed my name, and shame would not have rolled its burning fires over my memory!——Before I recur to the evidence brought against my life, I wish to return my most sincere thanks to the High Sheriff and the Magistrates for their kindness shown to me. I cannot but express my unfeigned regret at a slight misunderstanding which has occurred between the Rev. Mr. Lloyd, the visiting magistrate, and my solicitor. As it was nothing more than a misunderstanding, I trust the bonds of friendship are again ratified between us all. My most particular gratitude is due to the Rev. Mr. Franklin, whose kind visits and pious consolations have inspired me with a deeper sense of the awful truths of religion, and have trebly armed my breast with fortitude to serve me on this day. Though last, not least—let me not forget Mr. Wilson, the governor of the prison, and the fatherly treatment which he has shown me throughout. My memory must perish ere I can forget his kindness. My heart must be cold ere it can cease to beat with gratitude to him, and wishes for the prosperity of his family.

* * * * * * * * *

Here the prisoner read a long written comment on the weaker parts of the evidence;—the stronger and indeed the decisive parts he left untouched. This

paper was either so ill-written, or Thurtell was so imperfect a reader, that the effect was quite fatal to the previous flowery appeal to the jury. He stammered, blundered, and seemed confused throughout. When he finished his book, and laid aside the paper, he seemed to return with joy and strength to his memory,—and to muster up all his might for the peroration.—

"And now, gentlemen, having read those cases to you, am not I justified in saying, that unless you are thoroughly convinced that the circumstances before you are absolutely inconsistent with my innocence, I have a claim to your verdict of acquittal? Am I not justified in saying, that you might come to the conclusion that all the circumstances stated might be true, and yet I be innocent? I am sure, gentlemen, you will banish from your minds any prejudice which may have been excited against me, and act upon the principle that every man is to be deemed innocent until he is proved guilty. Judge of my case, gentlemen, with mature consideration, and remember that my existence depends upon your breath. If you bring in a verdict of guilty, the law afterwards allows no mercy. If upon a due consideration of all the circumstances you shall have a doubt, the law orders, and your own consciences will teach you to give me the benefit of it. Cut me not off in the summer of my life! I implore you, gentlemen, to give my case your utmost attention. I ask not so much for myself as for those respectable parents whose name I bear, and who must suffer in my fate. I ask it for the sake of that home which will be rendered cheerless and desolate by my death. Gentlemen, I am incapable of any dishonourable action. Those who know me best know that I am utterly incapable of an unjust and dishonourable action, much less of the horrid crime with which I am now charged. There is not, I think, one in this court who does not think me innocent of the charge. If there be—to him or to them, I say in the language of the Apostle, "Would to God ye were altogether such as I am, save these bonds." Gentlemen, I have now done. I look with confidence to your decision. I repose in your hands all that is dear to the gentleman and the man! I have poured my heart before you as to my God! I hope your verdict this day will be such as you may ever after be able to think upon with a composed conscience; and that you will also reflect upon the solemn declaration which I now make—I—am—innocent!—So—help—me—God!

The solid, slow, and appalling tone in which he wrung out these last words can never be imagined by those who were not auditors of it: he had worked himself up into a great actor—and his eye for the first time during the trial became alive and eloquent; his attitude was impressive in the extreme. He clung

to every separate word with an earnestness, which cannot be described, as though every syllable had the power to buoy up his sinking life,—and that these were the last sounds that were ever to be sent into the ears of those who were to decree his doom! The final word, GOD! was thrown up with an almost gigantic energy,—and he stood after its utterance with his arms extended, his face protruded, and his chest dilated, as if the spell of the sound were yet upon him, and as though he dared not move lest he should disturb the still echoing appeal! He then drew his hands slowly back,—pressed them firmly to his breast, and sat down, half exhausted, in the dock.

When he first commenced his defence, he spoke in a steady artificial manner, after the style of Forum orators, but as he warmed in the subject and felt his ground with the jury, he became more unaffectedly earnest and naturally solemn—and his mention of his mother's love and his father's piety drew the tear up to his eyes almost to falling. He paused—and, though pressed by the judge to rest, to sit down, to desist, he stood up resolute against his feelings, and finally, with one vast gulp, swallowed down his tears! He wrestled with grief, and threw it! When speaking of Barber Beaumont, the *tiger* indeed came over him, and his very voice seemed to escape out of his keeping. There was such a savage vehemence in his whole look and manner, as quite to awe his hearers. With an unfortunate quotation from a play, in which he long had acted too bitterly,—the Revenge! he soothed his maddened heart to quietness, and again resumed his defence, and for a few minutes in a doubly artificial serenity. The tone in which he wished that he had died in battle, resembled Othello's farewell to the pomp of war—and the following consequences of such a death, was as grandly delivered by Thurtell as it was possible to be! "Then my father and my family, though they would have mourned my loss, would have blessed my name; and *shame would not have rolled its burning fires over my memory!*" Such a performance, for a studied performance it assuredly was, has seldom been seen *on* the stage, and certainly never *off*. Thus to act in the very teeth

of death, demands a nerve, which not one man in a thousand ever possesses.

When Hunt was called upon for his defence his feeble voice and shrinking manner were doubly apparent, from the overwrought energy which his companion had manifested. He complained of his agitation and fatigue, and requested that a paper which he held in his hand might be read for him: and the clerk of the arraigns read it according to his request in a very feeling manner. It was prudently and advisedly composed by Mr. Harmer. Reliance was placed on the magistrates' promise. When the paper was concluded, Hunt read a few words on a part of Probert's evidence, in a poor dejected voice, and then leant his head upon his hand. He was evidently wasting away minute by minute. His neck-cloth had got quite loose, and his neck looked gaunt and wretched.

Mr. Justice Park summed up at great length, and Thurtell with an untired spirit superintended the whole explanation of the evidence; interrupting the judge respectfully but firmly, when he apprehended any omission, or conceived any amendment capable of being made. The charge to the jury occupied several hours—and the jury then requested leave to withdraw. Hunt at this period became much agitated, and as he saw them about to quit the box, he intreated leave to address them,—but on his counsel learning and communicating to the judge what the prisoner had to say, the jury were directed to proceed to the consideration of their verdict.

During their absence Thurtell conversed unalarmed with persons beneath and around him: Hunt stood up in the deepest misery and weakness. Twenty minutes elapsed; and the return of the jury was announced.

Whilst way was making through the throng Hunt leant over the dock, and searched with an agonized eye for the faces of his dooms-men! As they, one by one, passed beneath him, he looked at their countenances with the most hungry agony: he would have devoured their verdict from their very eyes! Thurtell maintained his steadiness.

The foreman delivered the verdict of *Guilty*, in tears,

and in a tone which seemed to say, "we have felt the defence—we have tried to find him innocent---but the evidence is too true!"---respecting Thurtell, he uttered with a subdued sigh, he *is guilty*.

Thurtell shook not to the last: Hunt was broken down,---gone! when asked why sentence of death should not be passed; the latter said nothing, so sunk was he in grief; but Thurtell stood respectfully up, inclining over the dock towards the judge, requesting his merciful postponement of his death from the Friday to Monday; not for himself but for his friends! Having pressed this on the judge in a calm yet impressive tone,---he stood silently waiting his doom.

The judge had put on his black hat—the hat of death, before this appeal; he heard it—and then gave the signal to the crier; who spoke out to the breathless court, those formal yet awful words: "*Be silent in the court while sentence of death is passed upon the prisoners!*" His own voice being the only sound that broke the silence.

The sentence was passed. The prisoners were doomed. The world was no longer for them!

Hunt sobbed aloud in the wildness of his distress; his faculties seemed thrown down. Thurtell, whose hours were numbered, bore his fate with an unbroken spirit. While the very directions for his body's dissection were being uttered, he consumed the pinch of snuff which had to that moment been pausing in his fingers! He then shook hands with a friend under the dock, and desired to be remembered to others! Almost immediately the sentence was passed, Wilson handcuffed both the prisoners: and in a few minutes they were removed.

I confess, says an eye-witness, I myself was shaken. I was cold and sick. I looked with tumultuous feelings at that desperate man, thus meeting death as though it were an ordinary circumstance of his life; and when he went through the dark door, he seemed to me gone to his fate. It struck me that death then took him! I never saw him more.

Thurtell on the drop met his death as he met his trial, without a tremor His life had been one long scene of

vice, but he had iron nerves and a sullen low love of fame,—even black fame,—which stimulated him to be a hero, though but of the gallows. He had learned his defence by heart, and often boasted of the effect it would have.

I know it to be a fact, says the eye-witness already quoted, that Thurtell said about seven hours before his execution, "It is perhaps wrong in my situation, but I own I should like to read Pierce Egan's account of the great fight yesterday," (meaning that between Spring and Langan) having just inquired how it terminated.

Thurtell was executed at Hertford, January the 9th; but Hunt, in consequence of the pledge made before his confession, was sent to the Hulks at Woolwich, and afterwards to New South Wales.

HENRY FAUNTLEROY, Esq.

FOR FORGERY.

At the Old Bailey, October 30, 1824.

At ten o'clock Mr. Justice Park and Mr. Baron Garrow took their seats on the bench, accompanied by the Lord Mayor. The Attorney General entered the court at the same time, and took his seat at the table, next Mr. Freshfield, the Bank solicitor.

At five minutes past ten o'clock Mr. Henry Fauntleroy was conducted to the bar, between the two city marshals, the head turnkey of Newgate, and accompanied by Mr. Harmer, his solicitor. He was dressed in a full suit of black, and the firmness which he displayed in the morning seemed for the moment to have deserted him, when he was exposed at the bar to the gaze of the court. His step was tremulous; his face pale, and much thinner than when he was first examined at Marlborough Street; his grey hair had rather a lighter hue, as if from the mixture of a little powder; he never for a moment raised his head; but, placing his hands upon the front of the dock, stood with dejected mien while the preliminary forms of the trial were arranging

The deputy clerk of the arraigns opened the business by addressing the prisoner at the bar in the usual form, and arraigning him upon seven different indictments for forgery, in the following manner, the first:

Henry Fauntleroy—you stand indicted for that you on the 1st of June, in the 55th year of the late king, in the parish of St. Mary-la-Bonne, did feloniously and falsely make and forge, and counterfeit a certain deed, purporting to bear the name of Frances Young, for the transfer of 5450l. long annuities of her monies in the stocks established by the act of the 5th of the late king George II., with intent to defraud the said Frances Young of the said stock.

A second count laid the crime, as with intent to defraud the Governor and Company of the Bank of England.

A third count laid the indictment, as for causing the said instrument to be forged.

A fourth count, for feloniously uttering and disposing of the said instrument, knowing it to be forged; and there were three other counts, varying the mode of specifying the charge, according to the technical subtleties of pleading. When this abstract of the first indictment was read,

The deputy clerk of the Arraigns asked the prisoner—"Henry Fauntleroy, how say you—are you guilty or not guilty of the said felony.

The prisoner, in a faint voice, replied, Not Guilty.

The deputy clerk. How will you be tried?—The prisoner, still in the same low tone of voice, and prompted by the Governor of Newgate, answered, by God and my country.

The prisoner was then successively arraigned on the following six indictments:—The second, for that he, on the 3d of June, in the 55th year of the late king, in the parish of St. Mary-la-Bonne, did falsely forge and counterfeit, and cause to be falsely forged and counterfeited, a certain transfer, purporting to be that of Frances Young, for 5000l. of her annuities, with intent to defraud her. The forgery and fraud were also laid as in the first indictment, as with intent to defraud the Governor and Company of the Bank of England. There were counts also for the wilful uttering and disposing of the same, with a variation of the names alleged to be defrauded.

The 3d indictment, which was laid in the same technical form as the preceding, was for forging the transfer of the stock held in the name of T. Lister, Esq. of Wexford, in Ireland, and uttering the same.

The 4th indictment was for forging a transfer of 3000l. stock, also uttered in the same name as the foregoing, on the 16th of December, in the 60th year of the late king's reign.

The 5th indictment was for forging the transfer of 435l. stock, to defraud the Bank and John Griffiths, on the 30th of June, in the 4th year of the present king's reign.

The 6th indictment was for on the same date forging and putting away a transfer of 500l. stock held in the same name—and

the 7th indictment was for forging and uttering on the 2d November last, a power of attorney to transfer 5800l. annuities, entered in the name of Jacob Tubbs.

To each of these seven indictments the prisoner in the same subdued tone of voice, and without raising his eyes from the bar, pleaded Not Guilty, and put himself for trial upon God and his country.

The reading of these indictments occupied the court twenty-five minutes. Towards the close of the reading,

Mr. Gurney rose and applied to the court for permission to have the prisoner accommodated with a chair at the bar.

Mr. Justice Park. The application is of course made on the ground of the prisoner's indisposition.

Mr. Gurney. Certainly, my lord.

Mr. Justice Park. O, then, let him have a chair.

A chair was immediately handed to the prisoner, who sat upon it at the right hand corner of the dock, leaning his head upon his hand, and covering the greater part of his face with a white handkerchief, his whole demeanour being at this time that of a person labouring under deep despondency.

The *Attorney General* then rose and stated the case for the prosecution as follows:—"May it please you, my lords and gentlemen of the jury,—you have heard during the reading of this indictment, that the prisoner at the bar stands charged with fraudently forging and uttering a certain power of attorney for the transfer of certain stock, entered in the Bank of England in the name of Miss Frances Young. It is my duty on the part of the prosecution, to state to you the circumstances out of which, according to my instructions, the present prosecution has sprung; and afterwards to lay before you the evidence which I have to offer in support of this indictment.

The prisoner at the bar, gentlemen, was well known as a partner in the banking-house of Marsh, Sibbald, and Co. of Berners Street, which was established about thirty years ago. His father was a partner in the original firm—he had previously been an active clerk in a banking-house in the city, and the partners who established the firm, not being equally men of

business themselves, gave him a share to avail themselves of his practical information in the management of their affairs. The elder Mr. Fauntleroy died in the year 1807, and his situation was immediately occupied by his son, the prisoner at the bar, upon whom, also, for his practical knowledge of business, and the comparative superiority which he had in this respect over his co-partners, nearly the whole of the actual business devolved. In the year 1815, Miss Frances Young, of Chichester, became a customer to the firm, and had then entered in her name at the bank a sum of 5450l. in what were called the three per cent. consols. She gave the firm of Marsh and Co. a power of attorney to receive the dividends in her name, but gave them no power whatever to sell or otherwise dispose of the principal. In May, 1815, however, an application was made at the Bank, and represented as having been so made in behalf of this lady, to sell, by her power of attorney, 5000l. of this stock.

You are probably aware of the forms prescribed by the Bank of England in transacting the business of these transfers. The applicant goes to the Bank, and obtains a slip of paper, which he fills up with the name of the party in whose behalf he applies, he describes the stock in the Bank, the amount and particulars required to be transferred, and the name and address of the person to whom the transfer is to be made. Upon receiving these instructions in the form inserted upon the slip of paper, the Bank clerk, to whom it is delivered, hands over a power of attorney, which is to be transmitted to the person who is to make the transfer, for the purpose of receiving the requisite signature. It is customary at the Bank to preserve these slips of paper, but in this instance the particular slip has been lost, and it cannot therefore be said to whom it was delivered, it being usual to endorse the name of the party on the slip. But the power of attorney, which was prepared according to the slip so made is referred, with the necessary attestations of the witnesses. There must be to these powers of attorney two attesting witnesses, with the description of their respective names and addresses. This power of attorney purported to be signed by Frances Young;

and that signature would be proved to be a forgery. The attesting witnesses were John Watson and James Tyson, clerks in the bank of Marsh and Co., and their signatures were also forgeries—for they never transacted any business with Miss Frances Young, and never executed any transfer of stock for her. In all these documents it is required by the Bank that the date shall be set forth in words at length. This is so done in this forged transfer, and it will be proved to be in the hand-writing of the prisoner at the bar, in all its parts.

It must be quite clear, therefore, that the forgery has been committed either by the prisoner, or with his knowledge. The attesting witnesses are his clerks, men whose hand-writing must have been known to him, and a forgery of which he must at once have detected if brought to him by a third party. The practice at the Bank of England was, that when these transfers, after being duly filled, were executed, they must be deposited for twenty-four hours with the clerk, for the purpose of being compared with the books, and for such other inspection and precaution as were deemed necessary on these occasions for the security of property, so far as time and circumstances allowed. After all these preliminary steps the applicant was further called upon, before the instrument was completed, to write at the bottom these words: "I demand this power to be executed in my name," signed by the party. On the 31st of May, or the 1st of June, the prisoner at the bar attended in person at the Bank, and demanded in due form the execution of the said power of attorney. So that here you will have before you a power of attorney prepared in the prisoner's hand-writing, purporting to be executed by Frances Young, purporting to be attested by two of his clerks, with whose hand-writing, I repeat, he must have been necessarily acquainted; and he himself presenting the instrument, and demanding that it be executed in the usual manner. But sufficient as this would be to prove the case, it is not all, for I am about to state to you that we have besides a document of a character so extraordinary, so singularly complete in all its parts, as to leave no possible doubt

that the prisoner at the bar was the party who had committed the offence. When the prisoner was taken into custody in his own counting-house, he, in the presence of the officer, locked his private desk, with a key which was then attached to his watch—that key was afterwards taken from him by the officer; and when the respectable solicitor for the Bank, who conducts this prosecution, went to search the house in Berners-street for the prisoner's papers, to ascertain whatever particulars he could therein find respecting these transactions, he found in one of the rooms of Messrs. Marsh and Co.'s bank, in which tin cases, containing title deeds of their customers, were deposited, and on which the names of the owners were inscribed, one tin box without a name. This led him to examine it. The key was found in the prisoner's private desk, which he had himself locked in the presence of the officer, and on opening this box was found a number of private papers belonging to the prisoner, and among them the extraordinary document of which I have apprised you, and which ran thus, all in the hand-writing of the prisoner:—

"*Consols*, 11,151*l.* *standing in the name of my trusteeship*; 3000*l.* *E. W. Young*; 6000*l.* *Consols, General Young*; 5000*l.* *Long Annuities, Frances Young*; *another* 6000*l.*; *Lady Nelson*, 11,595*l.*; *Mrs. Ferrer*, 20,000*l.* 4 *per cents.*; *Earl of Ossory*, 7000*l.*; *T. Owen*, 9400*l.*; *J. W. Parkins*, 4000*l.*; *Lord Aboyne* 6000*l.*; *P. Moore and John Marsh*, 21,000*l.*" *This paper contained a total of sums considerably exceeding* 100,000*l.* *was all written in the prisoner's hand-writing, and these words, in the same hand, followed, and concluded the facts of the prisoner's guilt.*—"*In order to keep up the credit of our house, I have forged powers of attorney, and have thereupon sold out all these sums, without the knowledge of any of my partners. I have given credit in the accounts for the interest when it became due.*"

May 7th, 1816. *Signed Henry Fauntleroy.*

These words followed:

"*The Bank began first to refuse our acceptances, and thereby to destroy the credit of our house, they shall therefore smart for it.*"

This is the extraordinary document to which I allude, and was there ever a record of a fraud more intelligible, and yet more negligently kept? There is no doubt, I think, that when the prisoner at the bar drew up this singular and conclusive document, that he contemplated some intention for which it was applicable, perhaps to abscond, and protect his partners from any suspicion of participation in his acts. Be the intention, however, what it may, if to abscond, it was clear the prisoner had subsequently altered his intention, and at all events, nothing but unaccountable negligence could have prevented him from afterwards destroying a document of such a nature, and so fatal to his character. The Bank of England, in consequence of this information, proceeded to examine the private accounts kept by the prisoner with his firm, and they there found that the accounts of the parties, whose monies were fraudulently transferred, were regularly kept up, and the interest upon the dividends as regularly carried to them every half year, as if the original stock remained, in being. In the particular case before you, the broker (Mr. Spurling,) employed by the prisoner at the bar, sold out the stock in question to the amount of 2950l. 2s. 6d. that is, exclusive of the commission for the sale, which, according to practice, the broker divided with the firm. This amount was paid over by the broker to the banking-house of Messrs. Marten and Co., who transacted business for Messrs. Marsh and Co. in the city, and is regularly noted in the day-book of the latter, by a clerk, by whom the entry was made at the dictation of the prisoner. But, in further management of the accounts in passing from the day-book to the private ledger, this sum appeared to have been carried to Mr. Fauntleroy's private account. The general produce was, however, afterwards posted, so as to keep up the accounts according to the original amount entrusted to the bank by the respective customers.

You will, gentlemen of the jury, naturally ask yourselves, as this occurred so far back as the year 1815, how it happened that during the successive years which have intervened, the dividends could have been so managed by the prisoner in his accounts, as

to escape detection of his partners? The fact however, was, that the prisoner had the entire management for the firm of their stock-market business. When the dividends became payable, it was the practice to make out a list for one of the partners to go to the Bank of England and receive payment. These lists were always prepared by the prisoner himself, and he always continued so to manage the entry in the books as to correspond with the nominal amount of stock intrusted to the firm by their customers. The list was of course so made out as to represent every thing entered in the manner the entries would have stood had the stock still existed, and sums were always carried on to the accounts, so as to keep up the delusion. It used to be the custom for Mr. Marsh to go to the Bank and receive the dividends for the firm; he lived in the country, and only came to town to perform this part of the business; he was, therefore, as to all the other parts of the arrangement, entirely ignorant, and incapable of detecting the fraud. There is another fact which I think it my duty to explain to you; the note of the broker for the sale of this particular stock, which Mr. Fauntleroy ought, were the transaction a *bona fide* one, to have transmitted to the owner, was found amongst his other papers in the private tin box, which contained the extraordinary document I have already read to you.

These, gentlemen, are the whole of the facts which I undertake to establish by evidence before you, against the prisoner at the bar. I shall first prove the forgery, by producing the instrument, and proving, by the parties whose names are said to be affixed to it, that the signatures are not theirs. I shall next prove that the hand-writing in the body of the instrument is that of the prisoner himself. I shall then, by the production of the extraordinary document to which I have alluded, prove that he recorded the act as his, and from the accounts it will be clear that they were so continued by him, with great activity and caution, as to evade the detection of the forgeries, which he alone could have committed.

J. Tyson sworn.—I have been a clerk seventeen years in the banking-house of Marsh, Sibbald, and Co. The prisoner, whose

father was a partner at that time, entered the house in the same year, 1807. The firm then consisted of Mr. Marsh, who resided at Watford, Mr. S. J. Sibbald, Mr. Graham, who was a colonel in the army, Mr. Stracey, and Mr. Fauntleroy, the father of the prisoner. In 1807, Mr. Fauntleroy, the father of the prisoner, died (the prisoner here sighed deeply.) I always considered that Mr. Fauntleroy was the most active partner in the establishment. He transacted most of the business himself. I remember the execution of a warrant of attorney by the prisoner in 1815, for the transfer of stock, which stood in the name of Frances Young, of Chichester, in the three per cent. consols. Miss Young was a customer, and banked at Marsh, Stracey, and Co.'s (a document was put into the hands of the witness.) This is a warrant of attorney, dated 21st of May, 1818, for the transfer of stock from the name of Miss Young to that of Mr. Flower, a stock-broker. It purports to be attested by me, and another clerk in Marsh and Co.'s bank. It is signed "J. Tyson;" and after the signature "J. Tyson," are the words "Clerk to Messrs. Marsh, Sibbald, and Co. bankers, Berners-street." The hand-writing is not mine, it is that of Mr. Fauntleroy; I have no doubt of it, as I have been accustomed to see him write daily and hourly, for years. There is also the signature "H. Fauntleroy" to the power of attorney. It is the hand-writing of the prisoner; it is signed "H. Fauntleroy, banker, Berners-street," as attorney for Miss Young; the prisoner then lived in Berners-street; the power of attorney is for the transfer of 5450l. stock. There was no other James Tyson, a clerk, in the bank.

John Watson sworn.—I have been for twenty-five years a clerk in the banking-house of Marsh and Co. and up to the failure of the house; there is no other John Watson, a clerk, in the house; I see the signature "John Watson," and the words "Clerk to Marsh, Sibbald, and Co. bankers, Berners-street," upon the power of attorney, which is now put into my hands; it is the hand-writing of Mr. Fauntleroy. I do not know Miss Young; my signature is put to this document as an attesting witness to the execution of the power of attorney. I did not see Miss Young sign the document, as my attestation purports. I see it is signed "Frances Young, 1815." The signature and date are in the prisoner's hand-writing. I see the demand for the transfer of the stock: it is in Mr. Fauntleroy's hand-writing. The signature to the demand, "H. Fauntleroy," is the hand-writing of the prisoner. The words, "I demand the transfer of stock from Frances Young to —— Flower, Gent. stock-broker," &c. are the hand-writing of Mr. Fauntleroy.

Robert Browning sworn.—I am a clerk in the Bank of England, in the three per cent. consols office, and have been for twenty years. I see this power of attorney now put into my hands, dated 1st of June, 1815. My name is upon the document as the subscribing witness. I remember the prisoner bringing the power of attorney to the bank, and demanding to act as attorney for Miss Young. I see the words "I demand to act," they are written by the prisoner, and his signature is affixed. I

saw the prisoner write the words "H. Fauntleroy," to the demand, and my signature follows as a witness to the demand. I am sure I saw the prisoner sign it. He wrote the demand, and signed it in my presence in the sixth division in the consols office. The office is divided into different departments. I have the bank book in which the transfer of consols is entered. By referring to the day in question, the 1st of June, 1815, I found an entry of consols in the name of Miss Frances Young, of Chichester. On that day, Miss Young had the sum of 5450l. three per cent. consolidated annuities standing in her name. I have seen the book in which transfers of stock are entered. I hold it in my hand.

Mr. Attorney General.—Before you look at the transfer book, say if the amount of stock transferred, entered in that book, is signed by the person transferring it?

It is always signed by the person making the transfer.

The Attorney General—Now, Sir, see if there is an entry in that book of the transfer of 5450l. stock from Miss Young to ——— Flower, stock-broker, on the 1st of June, 1815, and if it is signed, and by whom?

Witness.—I find an entry of 5450l. stock, transferred from the name of Frances Young, to ——— Flower, Gent. stock-broker. I find the name of Henry Fauntleroy, as attorney of Frances Young, spinster, of Chichester. The date "1st of June," and the signature, "H. Fauntleroy," are the proper hand-writing of the prisoner, and were written by him in my presence. My name, as the attesting witness, is written in the margin. The name of the broker appears also to the transfer, thus "Wm. Flower, Stock Exchange."

The counsel for the prosecution then called evidence to shew that the bank had replaced the stock of which Miss Young had been defrauded by the prisoner's forging the warrant of attorney; it being absolutely necessary to shew that she had no interest in the prisoner's conviction before she could be allowed to prove that her signature to the warrant of attorney was a forgery.

Miss Frances Young sworn.—She stated—I resided in Chichester, in the year 1815, and Messrs. Marsh, Sibbald, and Co. of Berners-street, were my bankers. In the year 1815, I had the sum of 5450l. stock, in the three per cent. consols; Messrs. Marsh and Co. received the dividends for me. I invested a further sum of 100l. a short time since. I received from Marsh and Co. regularly the dividends of 5450l. up to the period when I made the last purchase, and after that time I received a dividend upon 5550l. I never authorized Marsh and Co. to sell any part of the stock for me; I never authorized the prisoner to make a transfer of it. [A paper was put into the hand of witness.] I see the signature "Frances Young," to this transfer; it is not my hand-writing.

By the Judge.—I never gave authority to any one to transfer the stock.

By the Attorney General.—I was not in London in May or June, 1815. I was in Chichester.

Mr. James Tyson, clerk of Marsh and Co.—It was usual for Mr. Marsh, the senior partner in the bank, to go to the Bank of England to receive the dividends. Mr. Marsh lived in the country, and usually came to London for that purpose. It was the practice for a list of the dividends to be made out, and for Mr. Marsh to take it to the bank. The list was usually made out by Mr. Fauntleroy; in fact, I believe, he always made out the list. The list contained the names of the parties to whom dividends were due, and the sums they were entitled to, and which Mr. Marsh was to receive. [A list shown to the witness.] This is the list of the July dividend in consols, in 1824. It is indorsed by Mr. Fauntleroy, the prisoner at the bar, thus "three per cent. consols, July, 1824, Marsh, Stracey, and Co. I am positive the indorsement is the prisoner's hand-writing. The list contains names, and sums opposite to them. The whole are written by Mr. Fauntleroy. The list is alphabetical. The red figures are in the hand-writing of the bank clerk. In the list under the letter Y, is inserted the name "Frances Young," and the sum opposite the name is 5450l. When Mr. Marsh received the dividends he paid them to Mr. Fauntleroy, who kept an account.

Cross-examined.—This money is placed to the credit of Mr. Fauntleroy, in his private account. The sums are very large; to the amount of 50,000l. I don't know whether the money found its way into the funds of the bank, as that rests with the partners themselves. I don't know whether they were drawn out on Mr. F.'s account; Marten and Co. were our city bankers; they received this money; Mr. Stracey would know whether this was applied to Fauntleroy's account or not; but the clerks know nothing of it. It was the custom to make entries to initials. We were merely ordered to make an entry of them in the ledger.

John Henry Spurling.—In 1815 I was clerk to Mr. Soloman, who was stock-broker to Marsh and Co. On the 1st of June, I sold out the sum of 5000l. Consols for Miss Young, of Chichester. It is entered in the book. The amount of the money produced by the sale was 2956l. 5s. Then deducting one per centage, there was left 2950l. 2s. 6d. The amount was paid on the 1st of June, with my draft, to the account of Marsh and Co. at the banking-house of Marten and Co. I delivered the note of the sale to Marsh and Co.

The note of sale was now put in.

Samuel Plank.—I am a police officer, of Marlborough-street office. I apprehended the prisoner the 10th of September, at his banking-house, in Berners-street. There was a desk in the room where the prisoner was, which he locked after I went in. He knew I had come to apprehend him. The key with which he locked it, I took from his watch at Marlborough-street; I delivered it to Mr. Freshfield. I went with Mr. Freshfield afterwards to the banking-house, and searched the desk with Mr. Freshfield. There was a private drawer in the desk, and from it I took some more keys. There were papers there, and they were brought

away by me. The prisoner was examined that day. The keys found in the desk were kept in my possession till after the examination. When I went, after the examination, to the bank with Mr. Freshfield, we found two boxes. "Fauntleroy" was on one of them. I tried them with the keys, and they opened them; after that I locked the boxes, and delivered the keys to Mr. Freshfield; the boxes were taken away by Mr. Freshfield, in a coach.

Mr. Freshfield, the bank solicitor.—I went to the house of Marsh and Co. with the officer, the day the prisoner was apprehended; I made search there. I received a key from Plank the officer; it opened the private desk of the prisoner; in the desk were found some other keys. After the examination I returned to the banking-house, and in a room at the back of the partners' room, I found two boxes; one had the name of "Fauntleroy" upon it. There was another box by it. I desired the officer to try the box with the keys, that I might not take the box of any other person than the prisoner. He did so; and finding from the papers that it belonged to the prisoner, I took it home with me. In the course of the same night I went through the whole of one, and half of the other. One contained a number of deeds, probates of wills, letters of administration, and official documents. In the other, there were a great number of memorandums, and diaries; also, the sale note produced. He found also the paper I now hold, (the paper alluded to by the Attorney General in his opening speech.)

Mr. Justice Park.—Prisoner, the case on the part of the prosecution being now closed, and your counsel having examined the witnesses; they not being permitted to make a speech for you, you may, if you wish, say any thing you think proper to the jury or to me.

Mr. Fauntleroy then rose, and drawing a paper from his bosom, said, "My lord, I will trouble you with a few words." Then, wiping away a tear which forced itself down his pallid cheek, he proceeded, in a very low, and sometimes hardly audible voice, to the following effect:—

MY LORDS AND GENTLEMEN OF THE JURY.

Overwhelmed as I am by the situation in which I am placed, and being uninformed in what manner I should answer the charges which have been alleged against me, I will endeavour to explain, so well as the poignancy of my feelings will enable me, the embarrassments of the banking-house in which I have been for many years the active and only responsible partner, and which have alone led to the present investigation; and although I am aware I cannot expect to free myself from the obloquy brought upon me by my anxiety to preserve the credit and respectability of

the firm, still I trust that an impartial narrative of the occurrences will obtain for me the commiseration of the well disposed part of the community.

Anticipating the court will extend its indulgence to me, I will respectfully submit such observations as I think will tend to remove from influenced minds those impressions, which with sorrow I say must have been made upon them by the cruel and illiberal manner which the public prints have falsely detailed a history of my life and conduct, hoping therefrom I may deserve your compassion, although I may be unable to justify my proceedings, and secure my liberation, by a verdict of the jury; yet they may be considered, in the mercy of the court and a discerning public, as some extenuation of the crimes with which I stand arraigned.

With this object it is necessary that I should first state, shortly, the circumstances under which I have been placed during my connexion with Marsh and Co.

My father established the banking-house in 1792, in conjunction with Mr. Marsh, and other gentlemen. Some of the partners retired in 1794, about which time a loss of 20,000l. was sustained. Here commenced the difficulties of the house. In 1796, Mr. Stracey and an other gentleman came into the firm, with little or no augmentation of capital.

In 1800, I became a clerk in the house, and continued so six years, and although during that time I received no salary, the firm were so well satisfied with my attention and zeal for the interest and welfare of the establishment, that I was handsomely rewarded by them. In 1807 my father died; I then succeeded him; at this time I was only twenty-two years of age, and the whole weight of an extensive but needy banking establishment at one devolved upon me, and I found the concern deeply involved in advances to builders and others, which had rendered a system of discounting necessary, and which we were obliged to continue in consequence of the scarcity of money at that time, and the necessity of making further advances to those persons to secure the sums in which they stood indebted.

In this perplexed state the house continued until

1810, when its embarrassments were greatly increased, owing to the bankruptcies of Brickwood and others, which brought upon it a sudden demand for no less a sum than 170,000l. the greater part being for the amount of bills which our house had accepted and discounted for these parties, since become bankrupts.

About 1814, 1815, and 1816, from the speculations with builders, brickmakers, &c. in which the house was engaged, it was called upon to provide funds to nearly 100,000l., to avert the losses which would otherwise have visited it from those speculations.

In 1819, the most responsible of our partners died, and we were called upon to pay over the amount of his capital, although the substantial resources of the house were wholly inadequate to meet so large a demand.

During these numerous and trying difficulties the house was nearly without resources, and the whole burthen of management falling upon me, I was driven to a state of distraction, in which I could meet with no relief from my partners, and, almost broken-hearted, I sought resources where I could, and so long as they were provided, and the credit of the house supported, no enquiries were made, either as to the manner in which they were procured, or as to the sources from whence they were derived.

In the midst of these calamities, not unknown to Mr. Stracey, he quitted England, and continued in France, on his own private business, for two years, leaving me to struggle as well as I could with difficulties almost insurmountable.

Having thus exposed all the necessities of the house, I declare that all the monies temporarily raised by me were applied, not in one instance for my own separate purposes or expenses, but in every case they were immediately placed to the credit of the house in Berners street, and applied to the payment of the pressing demands upon it. This fact does not rest on my assertion, as the transactions referred to are entered in the books now in the possession of the assignees, and to which I have had no access since my apprehension. These books, I understand, are now in court, and will confirm the truth of my statement; and to whatever

account all the sums may be entered, whether to that of stock, of exchequer bills, or to my private account, the whole went to the general funds of the banking house.

I alone have been doomed to suffer the stigma of all the transactions; but, tortured as I have been, it now becomes an imperative duty to explain to you, Gentlemen, and through you to the world at large, that the vile accusations heaped upon me, known to be utterly false by all those who are best acquainted with my private life and habits, have been so heaped upon me for the purpose of loading me with the whole of the obloquy of those transactions, from which, and from which alone, my partners were preserved from bankruptcy. I have been accused of crimes I never even contemplated, and of acts of profligacy I never committed; and I appear at this bar with every prejudice against me, and almost prejudged. To suit the purposes of the persons to whom I allude, I have been represented as a man of prodigal extravagance; prodigal indeed I must have been, had I expended those large sums which will hereafter be proved to have gone exclusively to support the credit of a tottering firm, the miseries of which were greatly accelerated by the drafts of two of its members to the amount of nearly 100,000l.

I maintained but two establishments, one at Brighton, where my mother and my sister resided in the season—the expenses of which to me, exclusive of my wine, were within 400l. per annum. One at Lambeth, where my two children lived, from its very nature, private and inexpensive, to which I resorted for retirement, after many a day passed in devising means to avert the embarrassments of the banking-house. The dwelling-house in Berners-street belonged solely to my mother, with the exception of a library and a single bed-room. This was the extent of my expenditure, so far as domestic expenditure is concerned. I am next accused of being an habitual gambler, an accusation which, if true, might easily account for the diffusion of the property. I am, indeed, a member of two clubs, the Albion, and the Stratford, but never in my life did I play in either, at cards or dice, or any

game of chance; this is well known to the gentlemen of these clubs; and my private friends with whom I more intimately associated, can equally assert my freedom from all habit or disposition to play. It has been as cruelly asserted, that I fraudulently invested money in the funds to answer the payment of annuities, amounting to 2200l. settled upon females. I never did make any such investment; neither at home nor abroad, in any funds whatever, have I any investment; nor is there one shilling secretly deposited by me in the hands of any human being. Equally ungenerous, and equally untrue it is, to charge me with having lent to loose and disorderly persons large sums which never have, and never will be repaid. I lent no sums, but to a very trifling amount, and those were advanced to valued friends. I can, therefore, at this solemn moment, declare most fervently, that I never had any advantage beyond that in which all my partners participated, in any of the transactions which are now questioned. They, indeed, have considered themselves as partners only in the profits, and I am to be burthened with the whole of the opprobrium that others may consider them as the victims of my extravagance. I make this statement, not with a view to criminate others, or to exculpate myself; but borne down as I am by calamity, I will not consent to be held out to the world as a cold-blooded and abandoned profligate, ruining all around me for the selfish gratification of vice and sensuality, and involving even my confiding partners in the general destruction.

Gentlemen, I have frailties and errors enough to account for. I have sufferings enough, past, present, and in prospect; and if my life was all that was required of me, I might endure in silence, though I will not endure the odium on my memory, of having sinned to pamper delinquencies to which I never was addicted. Thus much has been extorted from me by the fabrications which have been cruelly spread amongst the public, that very public from whom the arbiters of my fate were to be selected. Perhaps, however, I ought to thank the enemy who besieged the prison with his slanders—that he did so while my life was spared to refute them, and that he waited not until the

grave, to which he would hurry me, had closed at once on my answer and my forgiveness. There is one subject more connected with these charges to which I am compelled to advert, and I do so with great reluctance. It has added to the other charges made against me, lest the world should think there was any vice in which I was not an adept. I have been accused of acting treacherously towards the female who now bears my name, having refused to make reparation until threatened by her brother, and of having deserted her at a moment when she had the greatest claim on my protection. Delicacy forbids me entering into an explanation on this subject further than to declare, that the conduct I adopted on that occasion was uninfluenced by the interference of any individual, and arose, as I then considered, and do still consider, from a laudable and honorable feeling on my part, and the lady's brother, so far from coming forward at the time alluded to, was on service in the West Indies. Could all the circumstances be exposed, I feel convinced that every liberal-minded man would applaud my determination, and I feel satisfaction in stating, that the lady in question has always been, and still is actuated, by the best of feelings towards me.

I have now only to apologize to the court for having entered so much at length into the statement of my unfortunate case, and in conclusion I have to express my perfect confidence, that it will receive every favorable consideration at your hands; and I fully rely that you, gentlemen of the jury, will give an impartial and merciful decision.

The prisoner having concluded his address, sat down, evidently exhausted by the effort and overcome by his feelings. A glass of water was brought to him, of which he took a little; and while the witnesses to his character were examining, he leant his head on his hand, in which he still held his handkerchief in a manner to cover his face, as if unwilling to be seen by his former friends. While they were giving their evidence he often appeared to weep.

The following witnesses were called to the prisoner's character, and examined by Mr. Gurney.

Mr. *John Wilson* knew Mr. Fauntleroy about sixteen years, during the whole of which time he maintained an unspotted character: he always considered him a man of the strictest integrity.

Sir *Charles Forbes* had known Mr. Fauntleroy twelve years, and always considered him an honourable and obliging gentleman, and an upright man of business.

Mr. *Gray* knew him fifteen years, and always considered him deserving of the highest esteem and respect.

Mr. *Bolt* knew Mr. Fauntleroy 27 years, and always esteemed him a kind, an honourable, and an upright man.

Mr. *James Robinson* knew him eleven years, during which time he maintained as high a character as man could possess.

Mr. *Wand* was acquainted with Mr. Fauntleroy eleven years, his character was most excellent.

Mr. *Lindsay* knew Mr. Fauntleroy ten or twelve years, he did not know a man who appeared to possess more kind or honourable feelings.

Mr. *Anthony Browne* was acquainted with him sixteen or seventeen years, and always entertained the highest opinion of his honour and integrity.

Mr. *Wyatt* had known Mr. Fauntleroy twelve years, he was a most honourable, kind-hearted, and benevolent man.

Mr. *Montreal* knew Mr. Fauntleroy twelve years, he was a most benevolent man, and had the highest character for integrity.

Mr. *Montague* was acquainted with Mr. Fauntleroy upwards of twelve years, and never knew a more kind-hearted and humane man. His character was most excellent.

Mr. *Vernon* was acquainted with him sixteen years; he always had the character, and appeared to be a very kind and a very honourable man.

Mr. *Ross* knew Mr. Fauntleroy fourteen years; he had the character of being strictly honourable and upright.

Mr. *Church* knew Mr. Fauntleroy twelve years, and had much dealing with him. He was always strictly honourable and upright in all his transactions with witness, and had universally the character of the strictest integrity and honour.

Mr. *Yatman* was acquainted with him twelve years, he always possessed a character of the highest excellence.

Mr. *Boshnel* was acquainted with Mr. Fauntleroy fifteen years, and always considered him a perfectly honest and honourable man.

Mr. *Justice Park* now commenced his charge to the jury. The prisoner, he said, was indicted for forging a power of attorney, for the transfer of stock belonging to Miss Frances Young; and for uttering such power of attorney knowing it to be forged. There were other counts in the indictment, charging the prisoner with an intent to defraud the Bank of England, and also a person of the name of Flower, to whom the transfer was made. The forgery they might put out of their consideration, as there was no evidence of its having been committed in London; and they, as a London jury, could not try a prisoner for any crime not committed in the city; but if they should think that the

count which charged the prisoner with uttering the forged power of attorney at the Bank of England, which was in the City of London, knowing it to be forged, finding him guilty on that count, was the same in its legal effect as if he were found guilty on all the counts in the indictment.

The Attorney General and the prisoner had both called on them to dismiss all reports from their minds; and he, Mr. Justice Park, had allowed the prisoner to proceed in the statement he had made in answer to those cruel charges, though that statement did not go at all to the point of the case to be decided, as the only question for their consideration was, whether the prisoner uttered the power of attorney given in evidence in the manner imputed to him? That question contained three points: the first was, was that instrument forged? the second, did the prisoner utter it? the third and most important, did the prisoner at the time of uttering it know it to be forged? If they were satisfied by the evidence that those three things were proved, then the prisoner's guilt was legally proved, and it would be their duty to find a verdict in conformity with that evidence. The jury had heard other indictments against the prisoner read, but they must put them out of consideration, as they were only to attend to the case on which they had heard evidence; but if they were satisfied by the evidence they had heard, that the crime imputed to the prisoner had been proved, if he had the character of an angel, it would be their duty to find him guilty.

The jury then retired to deliberate on their verdict. During their absence, which lasted for twenty minutes, Mr. Fauntleroy resumed his seat, and appeared extremely affected.—A sudden rush of the crowd at the door of the court announced the return of the jury. The prisoner stood up to hear his awful sentence. Whilst the clerk of the arraigns called over the names of the jury, and repeated the formal words of the law —"How say you; are you agreed upon your verdict, is the prisoner at the bar Guilty, or Not Guilty?" the most intense interest was manifested by every person present. The foreman replied, "*Guilty of uttering the forged instrument, knowing it to be forged.*"

A short conference then took place between the bench and the counsel for the prosecution, and referred to the propriety of proceeding with other indictments. Upon its conclusion,

Mr. Justice Park addressed the prisoner,—"Henry Fauntleroy, the learned Attorney General does not feel it necessary, in the discharge of his public duty, to proceed further with the indictments which have been preferred against you. It is no part of my painful duty to pronounce the awful sentence of the law, which must follow the verdict which has just been recorded. That unpleasing task will devolve on the learned recorder, at the termination of the sessions; but it is a part of my duty, as a Christian magistrate, to implore you that you bethink yourself seriously of your latter end. According to the constitution of this country, the prerogative of mercy is vested in the crown.—With that I have nothing to do. I do not say that in your unhappy case the extension of mercy is impossible; but I am afraid that, after the many serious acts which, under your own hand-writing, have been proved against you, involving so many persons in ruin, you would only deceive yourself by indulging in any hope of mercy on this side of the grave.—Let me then beseech you to turn your heart to the contemplation of your awful situation, and whilst it is yet in your power, use all your exertions to make peace with your God."

On November 2nd, Mr. Fauntleroy was brought up to receive his sentence, when the Deputy Clerk of the Arraigns said, turning to the prisoner: You, Henry Fauntleroy, stand convicted of uttering as true a deed, well knowing it to be forged. What have you to say why you should not be sentenced to die, according to the law?

Mr. *Alley*, counsel for the prisoner, then observed, that the prisoner had not been found guilty generally on the counts of the indictment, but simply on that which laid to his charge the uttering a forged power of attorney, knowing it to be forged. If the verdict had been a general one, he should not have troubled the court with the present argument, for there was an express law making the act of forgery a capital crime. Until the reign of George the Second, no forgery had been capital, owing most probably to the small circulation of paper up to that time, and it was then made capital to forge or counterfeit any power of attorney, to convey fraudulently any share or portion of stock. This then did not extend to the act of uttering, and yet this was a law made for the protection of the Bank of England. He considered this point so clear, that no warping or torturing of language could turn it from the interpretation he put upon it. Subsequently to

this, by the 2d George II. it was made capital to forge, or utter any bill, bond, note, will, testament, security, or deed; but here there was no mention made of a power of attorney, unless, indeed, it was to be argued, that this instrument was included in the word deed. If, however, this pretence was set up, he thought that he had it in his power to remove any such objection; this act originally extended to offences against individuals. It was afterwards enlarged so as to include all companies and corporations. This was how the law then stood, and he thought that it was never intended by those laws to include an offence of this kind; it was on this he should rest his argument, so that this unfortunate gentleman should not be called upon to suffer the sentence of death. By the 57th George III. it was enacted that it should be capital to forge a power of attorney to receive the wages of seamen, or to make use of such power with intent to defraud. This was an additional proof that the word deed in 2d of George II. did not apply to letters of attorney; for, if it had, this new act would have been superfluous; and it was a curious fact, that it was not till after those two Acts of Parliament that any such thing was known as the Three per Cents. in which this forgery had been committed, so that these acts could not have been meant to apply to them.

Mr. *Justice Garrow* observed, that a reference to dates would easily settle this matter.

Mr. *Alley* continued—If he was right on that point, it was quite clear that the legislature had provided no protection for this property. But to return to the word deed, which occurred in the 2d George II. he held, that for an instrument to come within the meaning of that word, it was necessary that it should be *per se* a security for money, such as a bill or a bond; but a power of attorney was, in fact, no such security; its only value was in reference to something else, and was in itself intrinsically good for nothing. The only securities protected by this law were money securities, which, as paper had become in so eminent a degree the circulating medium, it was thought necessary specially to protect; but this was all that was contemplated, as might be gathered from the provision made for letters of attorney in the peculiar case of seamen's wages, in the 57th George III.; an act which was drawn up by the law officers of the crown, who would hardly have wasted both the time and money of the country, if they had thought that that species of instrument was already provided for.

Mr. *Broderick* said, the terms only mentioned the uttering, but doubtless that included the disposing. Our motive, therefore, is not that no judgment can be pronounced, but that judgment of death cannot be passed; the only statute under which the prisoner is liable, is one which inflicts only the punishment of transportation, and to this point he wished to give all his weight of argument. The 2d George II. enacted, that if any person forged or caused to be forged any deed, or uttered or published as true any such forged deed, it should be a capital offence; by the 31st of George II. this was extended to corporations, in consequence of the case of Harrison. The only question, therefore, was, whether this power of attorney was a deed within the meaning of the act, and if he could show that the legislature itself did not consider it so, he trusted it would be a strong ground for convincing his lordship. By the 8th George I. the capital punishment is confined to the forging alone, and not to the uttering. This, therefore, certainly was not within the range of the indictment; the 2d of George II. extended the capital punishment to uttering, but neither of these acts use the term "letter of attorney;" the 57th of George III. makes the forging a letter of attorney for seamen's wages capital; but what would have been the use of an express act to make this capital, if all powers of

attorney were included in the 2d George II. in the word *deed*? He now came to the only act under which the prisoner could be sentenced, viz. that of 37th of George III. c. 122, and this awarded transportation for seven years, if the names of the attesting witnesses were forged to a power of attorney. Here, then, they got the words power of attorney in an Act of Legislature, and he considered this as a tacit declaration that a power of attorney was not included in the former word *deed*.

Mr *Serjeant Bosanquet*, in reply said, it had been stated, that this prosecution was different to most others, in the manner in which the indictment had been framed. He could only say in reply, that since he had had the honour to assist the Bank in its prosecutions, the indictments had been framed in the same way as the one upon which the unfortunate prisoner had been convicted. In the very last instance of a conviction for forging a power of attorney, alluded to in the case of Mr. Waite of Bristol, the indictment was drawn up under the same act of parliament, and framed in the same way, except with this difference, that in that case there was no charge of forgery at all in the indictment: the different counts confined the charge solely to the uttering the instrument. The reason this was done was because the power of attorney had been forged in Bristol, and therefore there was no ground for charging him with the forgery in London. The case of the unfortunate Mr. Waite was precisely similar to the charge against the prisoner; and after a most able argument, the conviction was good, and Mr. Waite underwent the sentence of the law.

Mr. *Law* followed on the same side, and at considerable length, when Mr. *Justice Garrow* said, that the awful period of time had now arrived in which it was to be decided whether the sentence of the law should be passed on the unfortunate man at the bar. The case had already met, in the progress of his trial, with all the attention and all the patience of his learned brother, and it was now his duty to say, that of the propriety and legality of the sentence then passed he did not entertain the slightest doubt. He was now bound to say, that, for his own part, he did not entertain a doubt upon the subject: the record bore upon the face of it the offence clearly made out—that of uttering, knowing it to be forged, the signature of Frances Young. This was, undoubtedly, a violation of the statute enacted for the punishment of uttering a forged deed, knowing it to be forged.

The *Clerk of the Arraigns* then began the names of the other prisoners cast for death, when Mr. Fauntleroy interrupted him, by reading a speech from a written paper, in which he implored his lordship's interference for royal mercy.

The *Recorder* then passed sentence of death on Mr. Fauntleroy, in the usual terms.

The *Recorder*.—If the prisoner that read a paper to the court is desirous that the petition should be presented to his majesty's council, I will take care that such is the case.

Several petitions were accordingly presented in behalf of the prisoner, among which was one from his wife; but these failing in their object, he was executed on October 30th.

THE END.

D. SIDNEY & Co. Printers,
Northumberland-street, Strand.

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TO

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